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COVID-19 NOTICE:

The January 27, 2021 Village Council Meeting will be conducted physically in Council Chambers at Village Hall, 9401 Corkscrew Palms Circle, with an opportunity to participate virtually. The meeting will be 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

SPECIAL MEETING

9401 Corkscrew Palms Circle, Estero, Florida

January 27, 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 – Pastor Frank Brand of First Baptist Church of Estero

PLEDGE OF ALLEGIANCE

ROLL CALL

2. APPROVAL OF AGENDA, ADDITIONS, AND DELETIONS

3. PUBLIC COMMENT ON NON-AGENDA ITEMS

4. ACTION ITEMS

- (a) Resolution No. 2021-01 a Resolution of the Village Council of the Village of Estero, Florida, Affirming the Appointment of Carol Sacco as Village Clerk, In Addition to her Role as Executive Assistant; and Providing an Effective Date.

Recommended Action:

Council approval of Resolution 2021-01 appointing Carol Sacco Village Clerk

Financial Impact:

No financial impact

5. SECOND PUBLIC HEARING

(a) Land Development Code Second Public Hearing

Ordinance 2020-10 An Ordinance of the Village Council of the Village of Estero, Florida, Adopting The Village Land Development Code and Official Zoning Map; Repealing The Transitional Land Development Code; Providing A Savings Clause, A General Repealer Clause, and an Effective Date.

Recommended Action: Adopt Ordinance 2020-10 which adopts the Land Development Code and the Official Zoning Map, as amended as documented in the revised “Addendum of Recommended Changes” document, dated January 19, 2021.

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.

6. PUBLIC COMMENT ON NON-AGENDA ITEMS

7. COUNCIL COMMUNICATIONS / FUTURE AGENDA ITEMS

8. VILLAGE ATTORNEY’S REPORT

9. VILLAGE MANAGER’S REPORT

10. ADJOURNMENT

To view and/or participate in the Council Meeting on January 27, 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 placed 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.”

AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
January 27, 2021

Agenda Item:

Resolution 2021-01 Appointing Carol Sacco Village Clerk

Description:

The Village of Estero Charter provides that the Village Manager shall appoint a Village Clerk with the consent of the Village Council. Village Manager, Steve Sarkozy, is requesting the appointment of Carol Sacco as Village Clerk, in addition to her role as Executive Assistant. Carol Sacco will assume duties of Village Clerk as of January 27, 2021.

Action Requested:

Council approval of Resolution 2021-01 appointing Carol Sacco Village Clerk

Financial Impact:

No financial impact

Attachments:

1. Resolution 2021-01

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VILLAGE OF ESTERO, FLORIDA

RESOLUTION NO. 2021 - 01

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE
VILLAGE OF ESTERO, FLORIDA, AFFIRMING THE
APPOINTMENT OF CAROL SACCO AS VILLAGE CLERK,
IN ADDITION TO HER ROLE AS EXECUTIVE
ASSISTANT; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, Section 5.1 (7) of the Village of Estero Charter provides that the Village Manager shall appoint a Village Clerk with the consent of the Village Council; and

WHEREAS, the Village Manager, Steve Sarkozy, has requested the appointment of Carol Sacco, as the Village Clerk; and

WHEREAS, Carol Sacco will assume duties of Village Clerk as of January 27, 2021; and

WHEREAS, the Village Council, Staff, and community place great emphasis on the provision of efficient, thoughtful, and planned government; and

NOW, THEREFORE, be it resolved by the Village Council of the Village of Estero, Florida:

Section 1. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this Resolution and adopted as policy findings.

Section 2. The Village Council affirms the appointment of Carol Sacco as Village Clerk beginning January 27, 2021.

Section 4. This Resolution shall take effect immediately upon adoption.

ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida this 27th day of January, 2021.

Attest:

VILLAGE OF ESTERO, FLORIDA

By: _____
Steve Sarkozy, Village Manager

By: _____
Bill Ribble, Mayor

Reviewed for legal sufficiency:

46
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48
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By: _____
Burt Saunders, Esq., Village Attorney

1 **VILLAGE OF ESTERO, FLORIDA**

2
3 **ORDINANCE NO. 2020 - 10**

4
5 **AN ORDINANCE OF THE VILLAGE COUNCIL OF THE**
6 **VILLAGE OF ESTERO, FLORIDA, ADOPTING THE**
7 **VILLAGE LAND DEVELOPMENT CODE AND**
8 **OFFICIAL ZONING MAP; REPEALING THE**
9 **TRANSITIONAL LAND DEVELOPMENT CODE;**
10 **PROVIDING A SAVINGS CLAUSE, A GENERAL**
11 **REPEALER CLAUSE, AND AN EFFECTIVE DATE.**

12
13 **WHEREAS**, Section 6(3) of the Charter of the Village of Estero provides that the
14 Village shall adopt a Comprehensive Plan and zoning and development regulations to
15 implement its Comprehensive Plan, and;

16
17 **WHEREAS**, the Village adopted its Comprehensive Plan, which was found by the
18 Florida state land planning agency to be in compliance with the Florida Community Planning
19 Act, which plan was effective November 24, 2019, and;

20
21 **WHEREAS**, Section 12(5) of the Charter of the Village of Estero provides that until
22 the Village adopts its zoning and development regulations, the Lee County land use
23 regulations, as they exist on the date that the village commences corporate existence, shall
24 remain in effect as the village's transitional land use development regulations, and;

25
26 **WHEREAS**, Section 163.3202, Florida Statutes, provides that each municipality in the
27 state shall adopt and enforce land development regulations in a single land development code
28 that are consistent with and implement its adopted comprehensive plan and further, the statute
29 encourages the use of innovative land development regulations, and;

30
31 **WHEREAS**, the Village has engaged in the conduct of numerous public workshops
32 before the Village Council, the Village Planning and Zoning Board, and the Village Design
33 Review Board, to review proposed land development regulations known as the Village Land
34 Development Code, and;

35
36 **WHEREAS**, the Village Planning and Zoning Board, as the Village local planning
37 agency, on December 15, 2020, conducted a duly noticed public hearing on the Village Land
38 Development Code and determined that it is consistent with the Village Comprehensive Plan
39 and recommended its approval; and

40
41 **WHEREAS**, the Village Council conducted a duly noticed public hearing and first
42 reading of the ordinance to adopt the Village Land Development Code on December 9, 2020;
43 and

45 **WHEREAS**, the Village Council conducted a duly noticed public hearing and second
46 reading of the ordinance on January ~~6~~27, 2021 to adopt the Village Land Development Code,
47 and;

48
49 **WHEREAS**, the Village has determined it is in the interest of the health, safety and
50 welfare of its citizens to adopt this Ordinance.

51
52 **NOW, THEREFORE**, be it ordained by the Village Council of the Village of Estero,
53 Florida:

54
55 **Section 1. Adoption of the Land Development Code.**

56
57 The Village of Estero Land Development Code, attached hereto as Exhibit A and
58 incorporated herein, is hereby adopted. It is the intention of the Village Council that
59 the Land Development Code shall become and be made a part of the Village Code of
60 Ordinances, and the Acting Village Clerk is directed to take the necessary steps to effect
61 codification in to the Code. Typographical errors which do not affect intent may be
62 authorized by the Mayor, without need of public hearing, by filing a corrected copy of
63 same with the Village Clerk.

64
65 **Section 2. Adoption of the Official Zoning Map.**

66
67 The Official Zoning Map, referenced in Section 1-7 of the Land Development Code
68 and incorporated therein, is hereby adopted. A certified copy of the Official
69 Zoning Map is attached as Exhibit B hereto, and the original Official Zoning Map is
70 on file in the office of the Director of Community Development.

71
72 **Section 3. Transitional Land Development Code Repealed.**

73
74 The Village transitional land use development regulations, known as the Transitional
75 Land Development Code, and all amendments thereto, is hereby repealed and replaced
76 by the Village Land Development Code.

77
78 **Section 4. Severability.**

79
80 If any provision of this ordinance or its application to any person or circumstance is
81 held invalid, the invalidity does not affect other provisions or applications of this
82 ordinance which can be given effect without the invalid provision or application, and
83 to this end the provisions of this ordinance are severable.

84
85 **Section 5. Repeal.**

86
87 All ordinances, resolutions, official determinations or parts thereof previously adopted
88 or entered by the Village or any of its officials and in conflict with this ordinance are
89 hereby repealed to the extent inconsistent herewith.

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Section 6. Effective Date.

This ordinance shall take effect immediately upon adoption.

PASSED on first reading this 9th day of December, 2020.

PASSED AND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida this 27th day of January, 2021.

Attest: **VILLAGE OF ESTERO, FLORIDA**

By: _____ By: _____
Steven Sarkozy, Acting Village Clerk William Ribble, Mayor

Reviewed for legal sufficiency:

By: _____
Nancy E. Stroud, Village Land Use Attorney

Vote:	AYE	NAY
Mayor Ribble	_____	_____
Vice Mayor Errington	_____	_____
Councilmember Batos	_____	_____
Councilmember Boesch	_____	_____
Councilmember Levitan	_____	_____
Councilmember McClain	_____	_____
Councilmember Wilson	_____	_____

AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
JANUARY 27, 2021

Agenda Item:

Land Development Code Ordinance 2020-10 Second Public Hearing

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 Code was presented in three parts by the consultants to the Council, Planning Zoning Board and Design Review Board. Workshops and meetings regarding the draft Code began in October 2020 and concluded in January 2021. Public hearings were held by the Council on December 9, 2020 and the Planning and Zoning Board on December 15, 2020.

The list of meetings is below:

October

Council	October 21, 2020
Planning and Zoning Board	October 27, 2020
Design Review Board	October 28, 2020

November

Planning and Zoning Board	November 17, 2020
Council	November 18, 2020
Design Review Board	November 18, 2020

December

Planning and Zoning Board	December 1, 2020
Council	December 2, 2020
Council Public Hearing	December 9, 2020
Design Review Board	December 9, 2020
Planning and Zoning Board (Public Hearing)	December 15, 2020

January

Council workshop	January 13, 2021
Council second public hearing	January 27, 2021

At the January 13, 2020 workshop, the Council took public input and suggested several revisions to the Addendum document that had been provided as part of the Council agenda packet. Changes have been made accordingly and a revised Addendum document is provided. New changes are highlighted in green.

Action Requested:

Adopt Ordinance 2020-10 which adopts the Land Development Code and the Official Zoning Map, as amended as documented in the revised “Addendum of Recommended Changes” document, dated January 19, 2021.

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. Ordinance 2020-10
2. Addendum of Recommended Changes document, dated January 19, 2021
3. Certified copy of Official Zoning Map dated January 27, 2021
4. See link to full Land Development Code dated December 9, 2020:
https://estero-fl.gov/wp-content/uploads/library-ada/2020%20Agenda%20Attachments/Estero_LDC_First-Reading_120920.pdf

Estero Land Development Code

January 19, 2021

Addendum of Recommended Changes

Note on changes:

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

Chapter 1: GENERAL PROVISIONS

1. Comment

Sec. 1-11 Staff recommends simplifying the language

Change

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

2. Comment

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

Change

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

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

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

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

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

Chapter 2: ADMINISTRATION

3. Comment

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

Change

Sec. 2-302. Planning Zoning and Design Board

A. Generally

[...]

C. Membership

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

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

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

D. Meetings

1. The PZDB shall meet at least once each calendar month, unless canceled by the Board or its chairperson. Special meetings may be called by the Chairperson or by any 3 regular members of the Board. At least seven days' notice shall be provided for any meeting, and an agenda for the meeting shall be available to the public at least seven days prior to the meeting. The Board may meet more often at the call of the Chairperson or the Village Council.
2. ~~Four members~~ A majority of the full membership of the Board in attendance at a meeting shall constitute a quorum.
3. Each decision of the PZDB shall be approved by a majority vote of the members, unless expressly stated otherwise in this LDC.

4. Comment

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

Change

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

5. Comment

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

Change

C. Plat Review

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

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

6. Comment

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

Change

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

Chapter 3: ZONING DISTRICTS

7. Comment

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

Change

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

8. Comment

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

Change

Sec. 3-702.D. General Standards for All Planned Development Zoning Districts

Before approving a PD zoning district, the Village Council shall find that the application for the PD zoning district classification, as well as the PD Master Concept Plan, comply with the following standards:

1. Master Concept Plan

As set forth in this subsection, a PD Master Concept Plan is a required component in the establishment of a PD district. The PD Master Concept Plan shall:

~~A. Establish a statement of planning and development goals for the PD zoning district that is consistent with the comprehensive plan and purposes of the individual PD zoning district.~~

~~A.B.~~ Identify the location and explanation of all existing easements, whether or not those easements are recorded. (If an easement is based upon a recorded document, the official records book reference shall be stated.)

~~B.C.~~ Identify the location of all points of vehicular ingress and egress from existing easements or rights-of-way into the proposed planned development.

~~D. Establish and identify the specific principal, accessory, and temporary uses permitted in the district. They shall be consistent with Table 3-702.E: Planned Development Districts Uses, and the purpose and intent of the individual PD zoning district, and be subject to applicable use specific standards identified in the PD Master Concept Plan and any additional limitations or requirements applicable to the individual PD zoning district.~~

~~C.E.~~ Identify the individual development areas (i.e. residential, retail, office, light industrial, mixed-use) with detail showing the boundary of each development area within which buildings, parking, or other uses will be located. Also identify the number of residential units (by use type), nonresidential floor area (by use type), residential density, and nonresidential intensity. The residential density and nonresidential intensity shall be consistent with the purposes of the PD zoning district and the specific requirements of the individual PD zoning district.

~~D.F.~~ If the proposed planned development is divided into lots or parcels, show the general location, configuration, and approximate dimensions of the lots or parcels (including outparcels). The proposed use of the lots or parcels shall be keyed to the list of proposed uses.

~~G.~~ Identify the dimensional standards that apply in the individual PD district. The dimensional standards shall be consistent with the requirements of the individual PD district, and its purposes.

~~E.H.~~ Where relevant, establish the standards and requirements that ensure development on the perimeter of the PD district is designed and located to be compatible with the character of adjacent existing or approved development. This includes the minimum width and composition of all proposed buffers along the perimeter of the subject property, as well as between the individual uses, if the types of proposed uses require buffer separations. Determination of compatible character shall be based on densities/intensities, lot size and dimensions, building height, building mass and scale, form and design features, hours of operation, exterior lighting, and siting of service areas.

~~F.I.~~ Include an open space design plan delineating the indigenous preserves and/or native tree preservation areas as required by this LDC. (Adjustments and field corrections to the plan can be done administratively at the time of development order, provided the minimum commitments made as part of zoning approval are maintained. No changes to an indigenous or native tree preserve area can be made administratively that would negatively affect screening or buffering to an adjacent property.)

~~G.J.~~ Establish the percentage of open space, unless the proposed development consists solely of conventional single-family dwelling units on lots of no less than 6,500 square feet.

~~H.K.~~ Identify the general location, amount, and type (whether designated for active or passive recreation) of open space, consistent with the purposes of the individual PD district.

~~I.L.~~ Identify the general location of proposed parks and recreation areas and facilities, as well as indigenous areas and flow-ways to be preserved, restored, or created.

~~J.M.~~ Identify the location of environmentally sensitive lands including rare and unique uplands as defined in the Village comprehensive plan and this LDC, resource lands, wildlife habitat, and waterway corridors, and explain how these lands will be protected consistent with the purposes of the individual PD district and the requirements of this LDC.

~~N. If the development is located within a floodplain or flow way, include a commitment that at the time of development order review or district permitting, there will be mitigation of any impacts to flood storage capacity or flow ways due to filling of the site.~~

~~K.O.~~ Identify the on-site pedestrian circulation system, and how it will connect to off-site pedestrian systems in ways that are consistent with the purposes of the individual PD district, and the requirements of this LDC.

~~L.P.~~ Identify the general design and layout of the on-site transportation circulation system, including the general location of all public roads and existing or projected transportation corridors, and how they interface with the pedestrian circulation system (pedestrian and bicycle pathways, and trails), and connect to existing and planned Village, county, and regional systems in a manner consistent with the purposes of the individual PD district, and the requirements of this LDC.

~~Q. Identify any mitigation to the road system that will be done to address any traffic impacts identified in the traffic impact statement submitted for the project.~~

~~M.R.~~ If a subdivision is proposed as part of the planned development, identify the general location of all proposed internal road rights-of-way or easements and the general location of all points of vehicular ingress and egress from the proposed internal rights-of-way or easements into multiple-family, commercial, or industrial use lots.

~~N.S.~~ Identify the general location of on-site potable water and wastewater facilities, and how they will connect to existing and planned Village, county or regional systems (if relevant) in a manner consistent with the comprehensive plan.

~~O.T.~~ Identify the general location of on-site storm drainage facilities, and how they will connect to existing and planned Village systems, in a manner consistent with the purposes of the individual PD district, and the requirements of this LDC;

~~P.U.~~ Identify the general location and layout of all other on-site and off-site public facilities serving the development, and how they are consistent with the purposes of the individual PD district. The other on-site and off-site public facilities considered shall include but not be limited to parks, schools, and facilities for fire protection, police protection, emergency management, storm water management, and solid waste management;

~~V. Establish provisions addressing how transportation, potable water, sanitary sewer, stormwater management, and other public facilities will be provided to accommodate the proposed development;~~

~~W. Identify the development standards that will be applied to development, spelling out any deviations from the standards in Chapter 5: Site Development Standards, and Chapter 6: Signage. The development standards shall be consistent with the requirements of the individual PD district and its purposes, and the requirements of this LDC, as appropriate. At a minimum, the development standards shall address:~~

1. ~~Off-street parking, bicycle, and loading standards (Section 5-2);~~
2. ~~Mobility and connectivity (Section 5-3);~~
3. ~~Landscape standards (Section 5-4);~~
4. ~~Fence and wall standards (Section 5-5);~~
5. ~~Exterior lighting standards (Section 5-6);~~
6. ~~Architectural, form, and design standards (Section 5-7);~~
7. ~~Green building standards (Section 5-8);~~
8. ~~Signage (Chapter 6); and~~
9. ~~Natural Resources (Chapter 7).~~

2. PD Phasing Plan

[...]

4. PD Adopting Ordinance

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

A. A statement of planning and development goals for the PD zoning district that is consistent with the comprehensive plan and purposes of the individual PD zoning district.

B. identification of the specific uses permitted in the district. They shall be consistent with Table 3-702.E: Planned Development Districts Uses, and the purpose and intent of the individual PD zoning district, and be subject to applicable use specific standards identified in the PD Master Concept Plan and any additional limitations or requirements applicable to the individual PD zoning district.

C. Identification of the dimensional standards that apply in the individual PD district. The dimensional standards shall be consistent with the requirements of the individual PD district, and its purposes.

D. If the development is located within a floodplain or flow way, inclusion of a commitment that at the time of development order review or district permitting, there will be mitigation of any impacts to flood storage capacity or flow ways due to filling of the site.

E. Identification of any mitigation to the road system that will be done to address any traffic impacts identified in the traffic impact statement submitted for the project.

F. Provisions addressing how transportation, potable water, sanitary sewer, stormwater management, and other public facilities will be provided to accommodate the proposed development.

G. Identification of the development standards that will be applied to development, spelling out any deviations from the standards in Chapter 5: Site Development Standards, and Chapter 6: Signage. The development standards shall be consistent with the requirements of the individual PD district and its purposes, and the requirements of this LDC, as appropriate. At a minimum, the development standards shall address:

1. Off-street parking, bicycle, and loading standards (Section 5-2);
2. Mobility and connectivity (Section 5-3);

3. [Landscape standards \(Section 5-4\);](#)
 4. [Fence and wall standards \(Section 5-5\);](#)
 5. [Exterior lighting standards \(Section 5-6\);](#)
 6. [Architectural, form, and design standards \(Section 5-7\);](#)
 7. [Green building standards \(Section 5-8\);](#)
 8. [Signage \(Chapter 6\); and](#)
 9. [Natural Resources \(Chapter 7\).](#)
- 5. 4. Conditions of Approval**
- Conditions of approval may be included as part of the ~~PD Master Concept Plan~~ [PD adopting ordinance](#) to mitigate any reasonably expected impact from the planned development. The conditions of approval shall be reasonably related to the proposed development and any reasonably expected impacts on public services and facilities and the health, safety, and welfare. The conditions of approval shall be adopted as part of the approval of the planned development district and incorporated into the ordinance.

9. Comment

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

Change

Sec. 3-702.F. Planned Development Districts Use Table

The allowed principal and accessory uses in the planned development districts are identified in Table 3-702.F: Planned Development Districts Uses. The table uses the following abbreviations to designate whether and how a principal or accessory use is allowed in a particular zoning district:

A An “A” indicates that the use may be allowed as a part of ~~the PD Master Concept Plan~~ [for a specific planned development approval](#) in accordance with Sec. 2-501.D, Planned Development, subject to any referenced use specific standards and other applicable regulations of this LDC.

A blank cell indicates that the use is prohibited in the planned development district.

TABLE 3-702.F: PLANNED DEVELOPMENT DISTRICTS USES

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

Use Type	RPD	CFPD	CPD	MPD	EPD	Use Specific Standards
Principal Uses						
[...]						

10. Comment

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

Change

Sec. 3-703. Residential Planned Development (RPD) District		
A. Purpose		
[...]		
B. Use Standards		
All principal and accessory uses shall be consistent with the uses allowed for the RPD District in Table 3-702.F: Planned Development Districts Uses, and be identified in the PD Master Concept Plan adopting ordinance , in accordance with Sec. 3-702.D, General Standards for All Planned Development Zoning Districts.		
C. Intensity and Dimensional standards		
Standard	Requirement	
Lot area (ft ²) [1]	To be established in PD Master Concept Plan or PD adopting ordinance as set forth in Sec. 3-702, Planned Development Districts, Generally. The RPD District shall be consistent with the goals, policies and objectives in the comprehensive plan, and the FLUM.	
Lot coverage, max (percent of total area)		
Lot width, min. (ft.)		
Lot depth, min (ft.)		
Side setback, min. (ft.) [2] [3]		
Rear setback, min. (ft.) [2] [3]		
Street setback (arterial street with frontage road) (ft.)		
Street setback (arterial street without frontage road or local street) (ft.)		
Street setback (private street) (ft.)		
Intensity/Density		
Waterbody setback		25 feet from the edge of the waterbody
Building height, max. (ft.)		35
Setbacks from external perimeter of planned development		[4] [5] [6] [7]
NOTES:		
[1] If the PD Master Concept Plan or PD adopting ordinance includes individual lots in clusters or a townhouse configuration, the specific lot area and dimensions shall be determined by the space requirements of the unit itself, the provision of private open space, and the voluntary reservation of additional common open space, if any.		
[2] If the PD Master Concept Plan or PD adopting ordinance includes single-family detached or attached zero lot line housing, each dwelling unit may have one wall without windows or doors on a side lot line, may encroach with eaves or cornices no more than 36 inches into the adjacent yard, and shall maintain at least a minimum separation from the building on the side opposite the zero setback line consistent with the standard set forth in [3] below (ten feet as long as sufficient separation is maintained to prevent the spread of fire, and as long as adequate access is provided for emergency services as certified by the Fire Official).		
[3] If the PD Master Concept Plan or PD adopting ordinance includes clustering of single-family detached structures, as long as sufficient separation is maintained to prevent the spread of fire, and as long as adequate access is provided for emergency services as certified by the Fire Official, the separation of buildings may be reduced to no less than ten feet.		

- [4] The width of any buffer area or landscape strip required by **Error! Reference source not found., Error! Reference source not found.**, or 15 feet, whichever is greater.
- [5] Parking or internal roads or drives may not be closer to the development perimeter than the width of any buffer area or landscape strip required by **Error! Reference source not found., Error! Reference source not found.**.
- [6] The provisions of this subsection notwithstanding, the Village Council may require greater setbacks and buffers when, in its opinion, they are necessary for the protection of public health, safety, welfare.
- [7] Uses allowed in required perimeter setbacks include bikeways, pedestrian walks, sidewalks, jogging paths, and park furniture, including gazebos and picnic shelters.

D. District-Specific Development Standards

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

1. Nonresidential Development

A. The amount of nonresidential development in the PD Master Concept Plan and PD adopting ordinance for the RPD shall comply with the requirements in Table 3-703.D.1.A: Maximum Gross Nonresidential Floor Area Allowed in RPD.

[...]

3. Deviation from Development Standards

A. Development in a RPD district shall comply with the standards in Chapter 5: Site Development Standards, Chapter 6: Signage, and Chapter 7: Natural Resources, unless they are deviated from as allowed by Table 3-703.D.3.A: Development Standards Subject to Deviations.

TABLE 3-703.D.3.A: DEVELOPMENT STANDARDS SUBJECT TO DEVIATIONS	
Standard	Means to Deviate
Section 5-2, Off-Street Parking, Bicycle Parking, and Loading Standards	PD Master Concept Plan <u>or PD adopting ordinance</u>
Section 5-3, Mobility and Connectivity Standards	PD Master Concept Plan <u>or PD adopting ordinance</u>
Section 5-4, Landscape Standards	PD Master Concept Plan <u>or PD adopting ordinance</u> , except deviation from minimum open space standard prohibited
Section 5-5, Fence and Wall Standards	PD Master Concept Plan <u>or PD adopting ordinance</u>
Section 5-6, Exterior Lighting Standards	PD Master Concept Plan <u>or PD adopting ordinance</u>
Section 5-7, Architectural, Form, and Design Standards	Deviations Prohibited
Section 5-8, Green Building Standards	Deviations Prohibited
Chapter 6: Signage	PD Master Concept Plan <u>or PD adopting ordinance</u>
Chapter 7: Natural Resources	Deviations Prohibited

B. Modifications to development standards, in accordance with Table 3-703.D.3.A: Development Standards Subject to Deviations, shall be:

- 1. Consistent with the purposes of the RPD district; and
- 2. Documented in the PD Master Concept Plan PD adopting ordinance, with a clear basis for why the change is needed and how it supports and is consistent with the comprehensive plan and high-quality development, and how it enhances the planned development.

[...]

7. Sale of Alcoholic Beverage

Sale of alcoholic beverages shall be governed by the provisions of Section 4-4, Alcoholic Beverages, and other special conditions included in the ~~Master Concept Plan~~ [PD adopting ordinance](#).

11. Comment

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

Change

TABLE 3-703.D.1.A: MAXIMUM GROSS NONRESIDENTIAL FLOOR AREA ALLOWED IN RPD [1]	
	Gross Nonresidential Floor Area Allowed (maximum square feet)
Less Than 150 dwelling units 100 dwelling units or less	None 5000
150 101-300 dwelling units	2,500 10,000
301-600 dwelling units	7,500 15,000
601-1200 dwelling units	17,500 20,000
More than 1200 dwelling units	Additional space may be added at a rate of 5,000 square feet per 300 dwelling units to a maximum of 30,000 square feet. In no case may the commercial area exceed three percent of the gross area of the project.
NOTES: [1] The following uses shall not be counted against the maximum gross floor area in the RPD: EMS, fire, or sheriff's station; place of worship; school, elementary, middle, or high; day care; food or beverage, limited service; restaurant, convenience; restaurant, standard; drugstore; grocery store or food market; gas station (with self-service fuel pumps only), and home occupations.	

12. Comment

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

Change

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

A. Purpose

[...]

B. Use Standards

All principal and accessory uses shall be consistent with the allowed uses for the CFPD District in Table 3-702.F: Planned Development Districts Uses, and be identified and approved in the PD [Master Concept Plan adopting ordinance](#), in accordance with Sec. 3-702.D, General Standards for All Planned Development Zoning Districts.

C. Intensity and Dimensional Standards

Lot area (ft ²)	To be established in PD Master Concept Plan or PD adopting ordinance as set forth in Sec. 3-702, Planned Development Districts, Generally. The CFPD District shall be consistent with the goals, policies, and objectives in the comprehensive plan, and the FLUM.
Lot coverage, max (percent of total area)	
Lot width, min. (ft.)	
Lot depth, min (ft.)	
Side setback, min. (ft.)	
Rear setback, min. (ft.)	
Street setback (arterial street with frontage road) (ft.)	
Street setback (arterial street without frontage road) or local street (ft.)	
Street setback (private street) (ft.)	
Intensity/Density	

[...]

D. District-Specific Development Standards

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

1. Pedestrian Connections

[...]

2. Deviation from Development Standards

A. Development in a CFPD district shall comply with the standards in Chapter 5: Site Development Standards, Chapter 6: Signage, and Chapter 7: Natural Resources, unless they are deviated from as allowed by Table 3-704.D.2.A: Development Standards Subject to Deviations, and this section.

TABLE 3-704.D.2.A: DEVELOPMENT STANDARDS

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

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

B. Deviations to development standards, in accordance with Table 3-704.D.2.A: Development Standards Subject to Deviations, shall be:

1. Consistent with the purpose of the CFPD district; and
2. Documented in the [PD Master Concept Plan PD adopting ordinance](#), stating a clear basis for why the change is needed and how it supports and is consistent with the comprehensive plan and high-quality development, and how it enhances the planned development.

13. Comment

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

Change

Sec. 3.705. Commercial Planned Development(CPD) District

A. Purpose

[...]

B. Use Standards

All principal and accessory uses shall be consistent with the allowed uses for the CFPD District in Table 3-702.F: Planned Development Districts Uses, and be identified and approved in the PD [Master Concept Plan adopting ordinance](#), in accordance with Sec. 3-702.D, General Standards for All Planned Development Zoning Districts.

C. Intensity and Dimensional Standards

Standard	Requirement
Lot area (ft ²)	To be established in PD Master Concept Plan or PD adopting ordinance as set forth in Sec. 3-702, Planned Development Districts, Generally. The CFPD District shall be consistent with the goals, policies, and objectives in the comprehensive plan, and the FLUM.
Lot coverage, max (percent of total area)	
Lot width, min. (ft.)	
Lot depth, min (ft.)	
Side setback, min. (ft.)	
Rear setback, min. (ft.)	
Street setback (arterial street with frontage road) (ft.)	
Street setback (arterial street without frontage road) or local street (ft.)	
Street setback (private street) (ft.)	
Intensity/Density	

[...]

D. District-Specific Development Standards

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

1. Industrial Uses

[...]

3. Deviation from Development Standards

A. Development in a CPD district shall comply with the standards in Chapter 5: Site Development Standards, Chapter 6: Signage, and Chapter 7: Natural Resources, unless they are deviated from as allowed by Table 3-705.D.3.A: Development Standards Subject to Deviations.

TABLE 3-705.D.3.A: DEVELOPMENT STANDARDS SUBJECT TO DEVIATIONS	
Standard	Means to Deviate
Section 5-2, Off-Street Parking, Bicycle Parking, and Loading Standards	PD Master Concept Plan <u>or PD adopting ordinance</u>
Section 5-3, Mobility and Connectivity Standards	PD Master Concept Plan <u>or PD adopting ordinance</u>
Section 5-4, Landscape Standards	PD Master Concept Plan <u>or PD adopting ordinance</u> , except deviation from minimum open space standard prohibited
Section 5-5, Fence and Wall Standards	PD Master Concept Plan <u>or PD adopting ordinance</u>
Section 5-6, Exterior Lighting Standards	PD Master Concept Plan <u>or PD adopting ordinance</u>
Section 5-7, Architectural, Form, and Design Standards	Deviations Prohibited
Section 5-8, Green Building Standards	Deviations Prohibited
Chapter 6: Signage	PD Master Concept Plan <u>or PD adopting ordinance</u>
Chapter 7: Natural Resources	Deviations Prohibited

B. Modifications to development standards, as allowed in Table 3-705.D.3.A: Development Standards Subject to Deviations, shall be:

1. Consistent with the purpose of the CPD district; and
2. Documented in the PD Master Concept Plan PD adopting ordinance, stating a clear basis for why the change is needed and how it supports and is consistent with the comprehensive plan and high-quality development, and how it enhances the planned development.

[...]

7. Sale of Alcoholic Beverage

Package sales and sale of alcoholic beverages for on-premises consumption shall be governed by the provisions of Section 4-4, Alcoholic Beverages, and other special conditions included in the PD Master Concept Plan PD adopting ordinance.

14. Comment

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

Change

Sec. 3.706. Mixed-use Planned Development(MPD) District

A. Purpose

[...]

B. Use Standards

All principal and accessory uses shall be consistent with the allowed uses for the CFPD District in Table 3-702.F: Planned Development Districts Uses, and be identified and approved in the PD [Master Concept Plan adopting ordinance](#), in accordance with Sec. 3-702.D, General Standards for All Planned Development Zoning Districts.

C. Intensity and Dimensional Standards

Lot area (ft ²)	To be established in PD Master Concept Plan or PD adopting ordinance as set forth in Sec. 3-702, Planned Development Districts, Generally. The CFPD District shall be consistent with the goals, policies, and objectives in the comprehensive plan, and the FLUM.
Lot coverage, max (percent of total area)	
Lot width, min. (ft.)	
Lot depth, min (ft.)	
Side setback, min. (ft.)	
Rear setback, min. (ft.)	
Street setback (arterial street with frontage road) (ft.)	
Street setback (arterial street without frontage road) or local street (ft.)	
Street setback (private street) (ft.)	
Intensity/Density	

[...]

D. District-Specific Development Standards

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

1. Use Mixing

[...]

7. General Development Standards Deviation from Development Standards

A. Development in a MPD district shall comply with the standards in Chapter 5: Site Development Standards, Chapter 6: Signage, and Chapter 7: Natural Resources, unless they are deviated as allowed by Table 3-706.D.7.A: Development Standards Subject to Deviations.

TABLE 3-706.D.7.A: DEVELOPMENT STANDARDS	
Standard	Means to Deviate
Section 5-2, Off-Street Parking, Bicycle Parking, and Loading Standards	PD Master Concept Plan or PD adopting ordinance
Section 5-3, Mobility and Connectivity Standards	PD Master Concept Plan or PD adopting ordinance
Section 5-4, Landscape Standards	PD Master Concept Plan or PD adopting ordinance , except deviation from minimum open space standard prohibited

Section 5-5, Fence and Wall Standards	PD Master Concept Plan <u>or PD adopting ordinance</u>
Section 5-6, Exterior Lighting Standards	PD Master Concept Plan <u>or PD adopting ordinance</u>
Section 5-7, Architectural, Form, and Design Standards	PD Master Concept Plan <u>or PD adopting ordinance</u> , except shall comply with the standards in Sec. 5-705.C, Mixed-Use Development Design Standards
Section 5-8, Green Building Standards	Deviations Prohibited
Chapter 6: Signage	PD Master Concept Plan <u>or PD adopting ordinance</u>
Chapter 7: Natural Resources	Deviations Prohibited

B. Modifications to development standards, as allowed in Table 3-706.D.7.A: Development Standards Subject to Deviations, shall be:

1. Consistent with the purpose of the MPD district; and
2. Documented in the ~~PD Master Concept Plan~~ PD adopting ordinance, stating a clear basis for why the change is needed and how it supports and is consistent with the comprehensive plan and high-quality development, and how it enhances the planned development.

[...]

12. Sale of Alcoholic Beverage

Package sales and sale of alcoholic beverages for on-premises consumption shall be governed by the provisions of Section 4-4, Alcoholic Beverages, and other special conditions included in the ~~PD Master Concept Plan~~ PD adopting ordinance.

15. Comment

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

Change

C. Intensity and Dimensional standards	
Standard	Requirement
Lot area (ft ²)	To be established in PD Master Concept Plan and as set forth in Sec. 3-702, Planned Development Districts, Generally. The MPD District shall be consistent with the goals, policies, and objectives in the comprehensive plan, and the FLUM.
Lot coverage, max (percent of total area)	
Lot width, min. (ft.)	
Lot depth, min (ft.)	
Side setback, min. (ft.)	
Rear setback, min. (ft.)	
Street setback (arterial street with frontage road) (ft.)	
Street setback (arterial street without frontage road) or local street (ft.)	
Street setback (private street) (ft.)	
Intensity/Density	Consistent with comprehensive plan, and for lands designated Transitional Mixed Use, the bonus density standards (if applicable)
Building height, max. (ft.)	45
Waterbody setback	25 50 feet from the edge of the waterbody

16. Comment

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

Change

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

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

17. Comment

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

Change

Sec. 3-707 D.Tiers

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

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

18. Comment

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

Change

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

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

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

[...]

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

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

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

[...]

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

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

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

[...]

19. Comment

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

Change

Sec. 3-707.S.. Uses

1. In-lieu of the methods for assigning uses set forth in Sec. 3-702.F, Planned Development Districts Use Table, requests for an amendment to the EPD District and other forms of land use shall comply with the use provisions set forth in this section.

2. The uses allowed in Table 3-702.F: Planned Development Districts Use Table, may be permitted in the EPD district when consistent with the goals, objectives, and policies of the comprehensive plan for the Village Center Area land use category, and when approved on the enumerated documentation of the Master Concept Plan, [PD adopting ordinance](#), or the development plan for such property. Uses that are not specifically listed in Table 3-702.F: Planned Development Districts Use Table, may also be permitted if, in the opinion of the Village Council, they are substantially similar to a listed permitted use.

Chapter 4: USE SPECIFIC STANDARDS

20. Comment

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

Change

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

A. Approval Required

1. Administrative Approval

[...]

3. Within a Planned Development

A. No administrative approval is necessary where an individual establishment or other facility proposing consumption on the premises is explicitly designated on a PD Master Concept Plan, is included on

the schedule of uses, and has hours of operation specifically listed in the [PD Master Concept Plan adopting ordinance](#).

Chapter 5: SITE DEVELOPMENT STANDARDS

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

21. Comment

<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; <u>or</u> 14/1,000 sf, <u>whichever is greater</u>
[...]	
<u>Multiple-occupancy complex</u>	<u>4.5 spaces per 1000 sf or 4.0 spaces per 1,000 sf for complexes larger than 500,000 sf</u>
[...]	
Office, general contractor's or general business	1/300 sf
[...]	
Retail sales (<u>not multiple occupancy</u>)	1/ 350 400 sf
[...]	
Wireless Telecommunications	1

22. Comment

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

Change

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

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

23. Comment

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

Change

Sec. 5-204.A.5. Drainage

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

24. Comment

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

Change

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

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

Section 5-3: Mobility and Connectivity Standards

25. Comment

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

Change

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

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

26. Comment

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

Change

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

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

SECTION 5-4: LANDSCAPE STANDARDS

27. Comment

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

Change

5-401 Purpose

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

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

28. Comment

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

Change

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

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

TABLE 5-403.B.3: TREE AND PALM PLANT MATERIAL STANDARDS		
Standard	Trees	Palms
Height, spread, caliper at planting	12 feet in height, 6.5-foot spread, 3.25-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

29. Comment

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

Change

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

30. Comment

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

Change

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

31. Comment

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

Change

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

32. Comment

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

Change

Sec. 5-404.F. Restoration Standards

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

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

33. Comment

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

Change

Sec. 5-405.B. General Tree Standards

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

34. Comment

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

Change

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

35. Comment

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

Change

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

36. Comment

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

Change

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

TABLE 5-406.B.3.: BUFFER TYPES (PER 100 LINEAR FEET) [1]						
Standard	Buffer Types					
	A	B	C	D	E	F
Wall Required [2]	—	—	Eight feet in height, solid fence	—	Eight feet in height, solid fence	—

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.](#)

37. Comment

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

Change

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

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

Sec. 5-407.D. Shopping Centers

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

38. Comment

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

Change**Sec. 5-408.D. Open Space Calculation**

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

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

39. Comment

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

Change

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

40. Comment

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

Change

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

41. Comment

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

Change

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

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

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

42. Comment

Table 5-409.C: Landscaping Standards for Parking Areas: Bill 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.
[...]	
Minimum Number of Trees <u>and Palms</u>	One canopy tree or a cluster of three sabal <u>single trunk</u> palms shall be

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

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

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

43. Comment

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

Change

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

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

[...]

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

[...]

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

44. Comment

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

Change

Sec. 5-413.C. Design Standards

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

[...]

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

SECTION 5-5: FENCE AND WALL STANDARDS

45. Comment

Suggest changes as shown:

Sec. 5-510. RESIDENTIAL PROJECT WALLS

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

Change

<p>Sec. 5-510. Residential Project Walls</p> <p>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.</p> <ol style="list-style-type: none"> Hedges shall be planted and maintained to form a 36-inch-high continuous visual screen within one year after time of planting. 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.) <u>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.</u>
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SECTION 5-7: ARCHITECTURAL, FORM, AND DESIGN STANDARDS

46. Comment

Multiple locations in Section 5-7: Bill Prys 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](#)

	<p>alternative with strong horizontal lines; and restrained ornamentation such as friezes around windows and doors, or as bands under the eaves.</p>
	<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>

47. Comment

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

Change

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.

48. Comment

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

Change

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

1. Placemaking

[...]

2. *Additional Mixed-Use Development Standards*

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

A. General Criteria

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

1. Accessibility

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

2. Streets

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

3. Street Design

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

4. *Lots and Blocks*

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

5. *The Visual Edge*

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

6. *Architecture*

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

7. *Quality of Buildings*

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

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

B. Pattern Books Specific to Mixed-Use Development

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

1. Illustrative Site Plan

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

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

2. Façade Detailing

Typical façade detailing for all sides of all buildings.

3. Pad Sites or Outparcels Developed Separately

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

4. Tracts, Blocks, or Parcels Controlled for Security

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

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

[...]

~~3.4.~~ Climate Responsiveness

[...]

~~4. Tier Applicability~~

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

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

49. Comment

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

Change

Sec. 5-706.C Building Entries and Façades

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

50. Comment

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

Change

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

51. Comment

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

Change

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

52. Comment

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

Change

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

SECTION 5-9: PLAT STANDARDS

53. Comment

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

Change

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

Chapter 6: SIGNAGE

54. Comment

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

Change

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

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

55. Comment

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

Change

10-302.B.2 Equivalency Factors

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

[...]

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

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

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

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

- Hotels or motels: “Lock-off units” will be counted as separate rental units regardless of size.
- Determination of permitted density. The maximum permitted density shall be determined by multiplying the number of dwelling units permitted (see subsection 1 above) by the appropriate equivalency factor.

56. Comment

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

Change

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

57. Comment

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

Change

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

58. Comment

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

Change

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

Appendix C: GENERAL ROAD SPECIFICATIONS

59. Comment

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

Change

TABLE C-(A)1: SPECIFICATIONS FOR VILLAGE-MAINTAINED ROADS				
Specification	Arterial Road	Collector Road	Local Road	Access Road
Standard Right-of-Way Widths (feet)				
Closed drainage	150 <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

60. Comment

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

Change

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

TABLE C-(A)2: SPECIFICATIONS FOR PRIVATELY-MAINTAINED ROADS		
Specification	Local Road	Access Road
Two-way		
Closed drainage or inverted crown	40 <u>60</u>	40 <u>60</u>
Open drainage	45 <u>60</u>	40 <u>60</u>
Minimum Grade of Roads (Profile)		
Closed drainage	0.20 <u>0.3</u> %	0.20 <u>0.3</u> %
Inverted Crown	0.41 <u>1.0</u> %	0.41 <u>1.0</u> %
Open drainage	0.0%	0.0%
Additional Minimum (feet)		
Minimum centerline radius for horizontal curves	50	50

61. Comment

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

Change

7. Cul-de-Sacs

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

1. The diameter of pavement to inside edge of curb or edge of pavement shall be a minimum of 90 feet outside diameter, and a maximum of 45 feet inside diameter;
2. The diameter of right-of-way for the curb-and-gutter section shall be ~~110~~ 130 feet; and
3. The diameter of right-of-way for ditch and swale drainage shall be a minimum of 130 feet.

62. Comment

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

Change

14. Road and Bridge Development Categories

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

A. *Category A*

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

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

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

2. *Pavement width, two-way traffic*

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

* * *

B. *Category B*

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

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

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

2. *Pavement width, two-way traffic*

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

* * *

C. *Category C*

Category C includes all residential roads

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

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

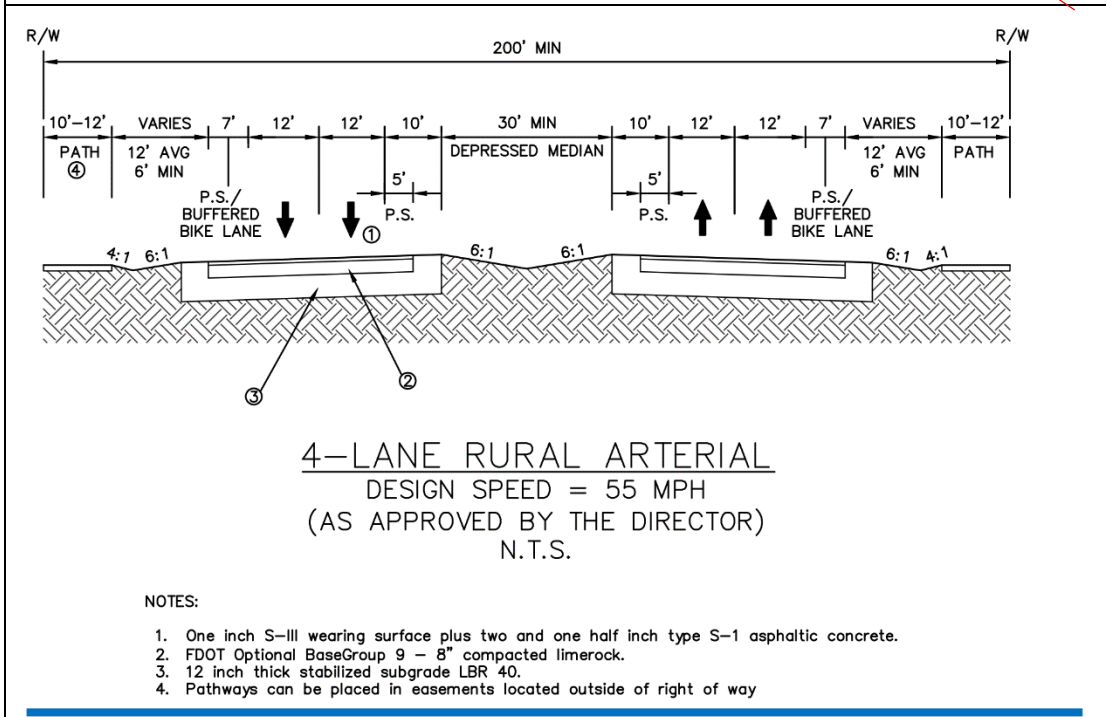
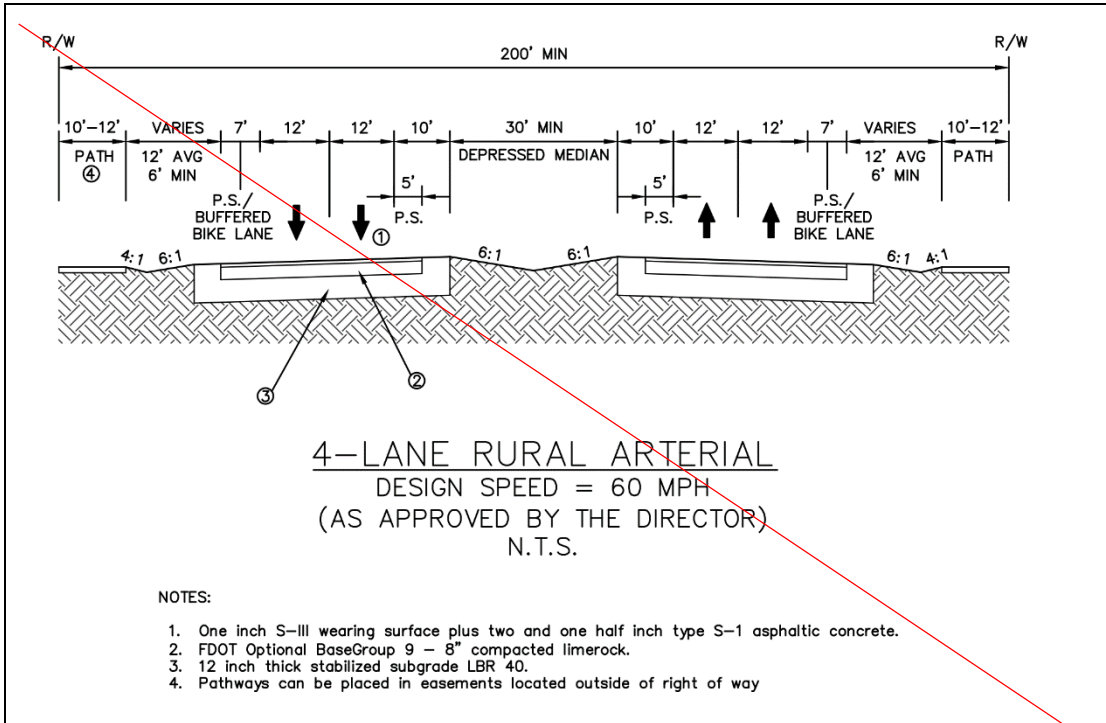
2. *Pavement width, two-way traffic*

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

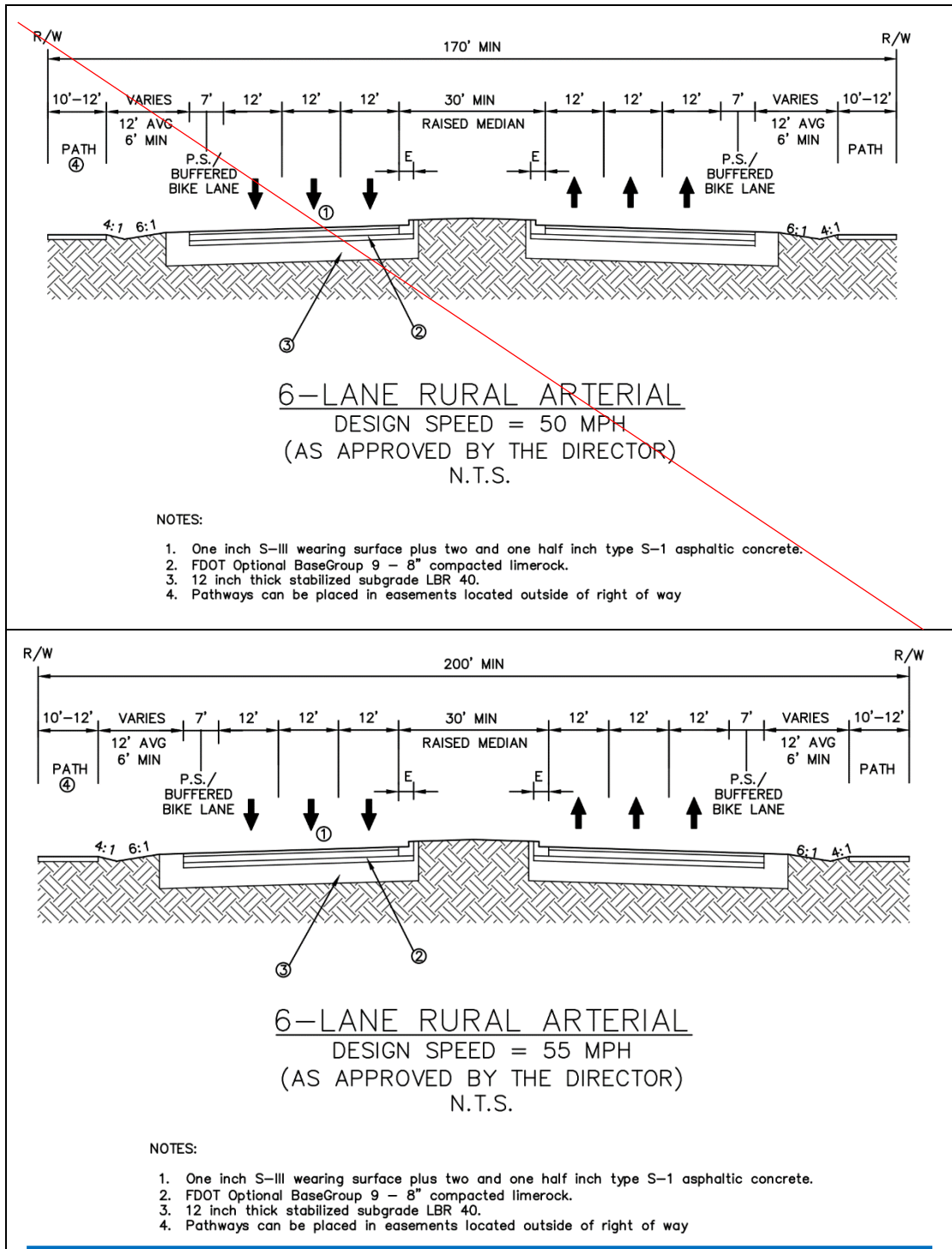
Appendix D: ILLUSTRATIONS AND CROSS SECTIONS

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

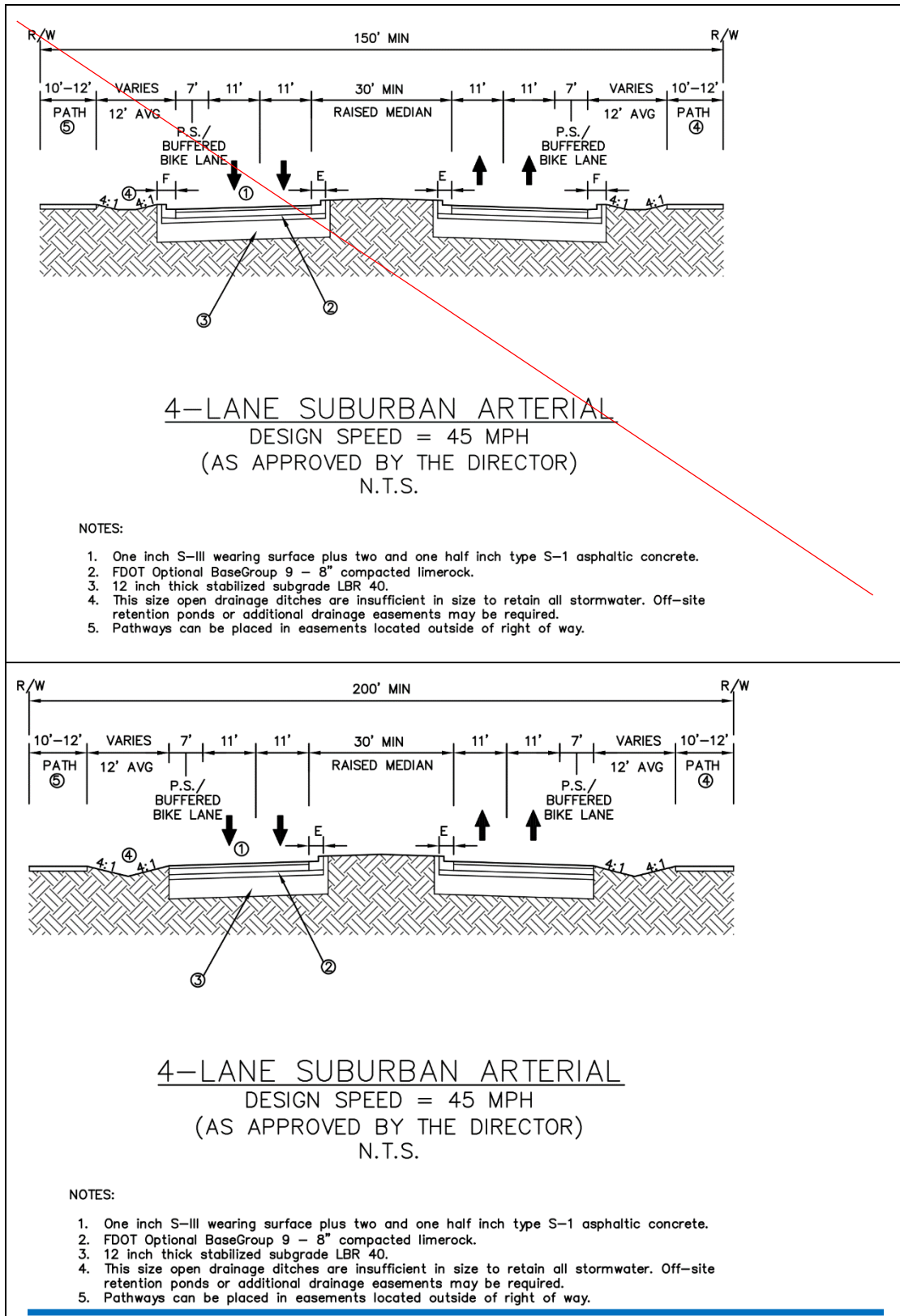
63. A.1 Four and Six-Lane Arterial Roads



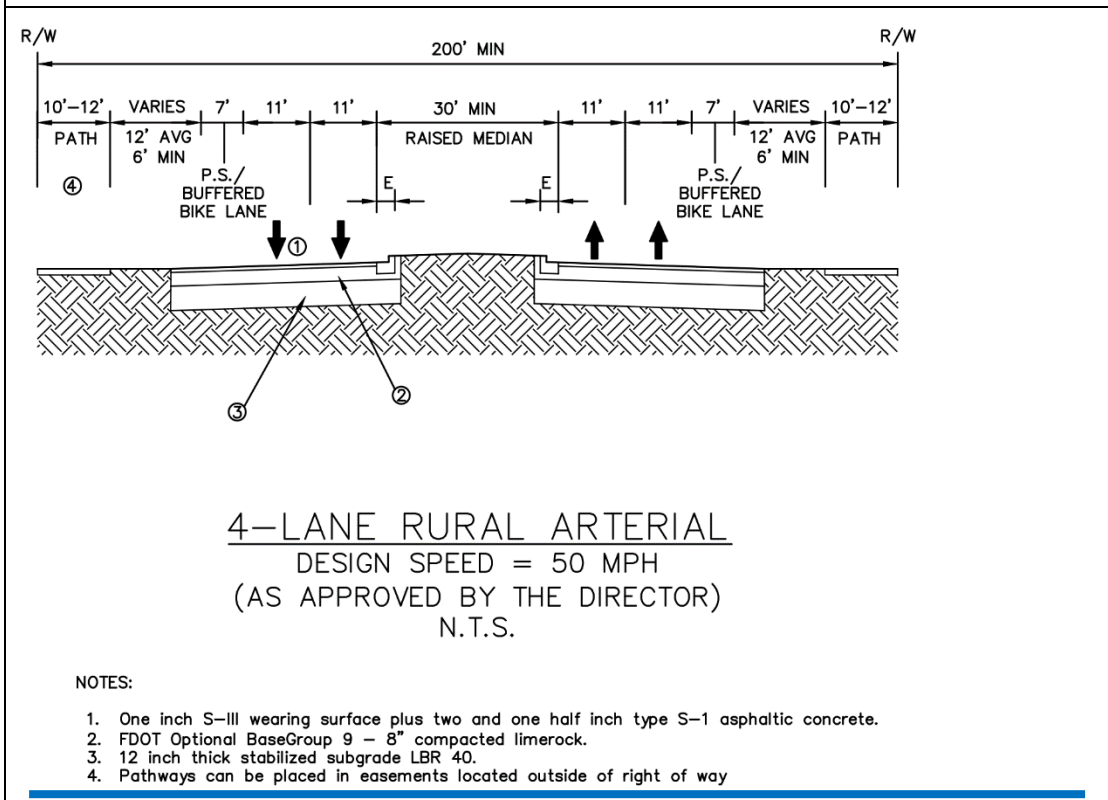
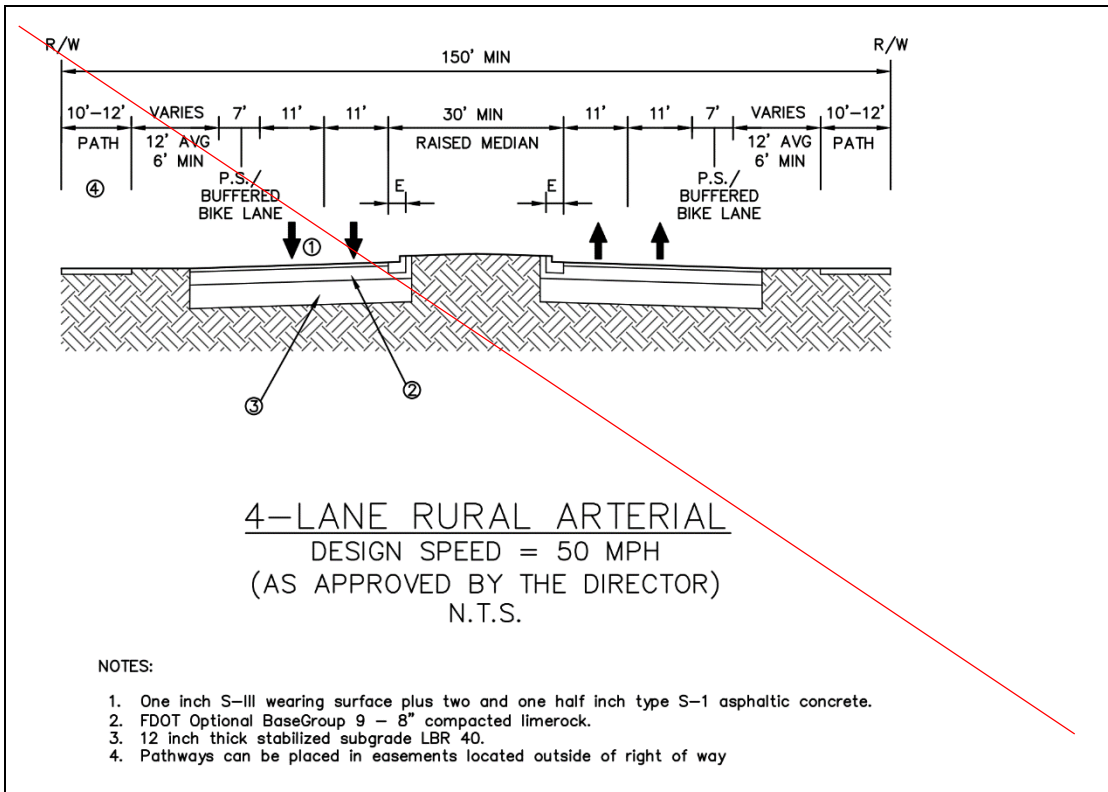
64. A.2 Four and Six-Lane Arterial Roads



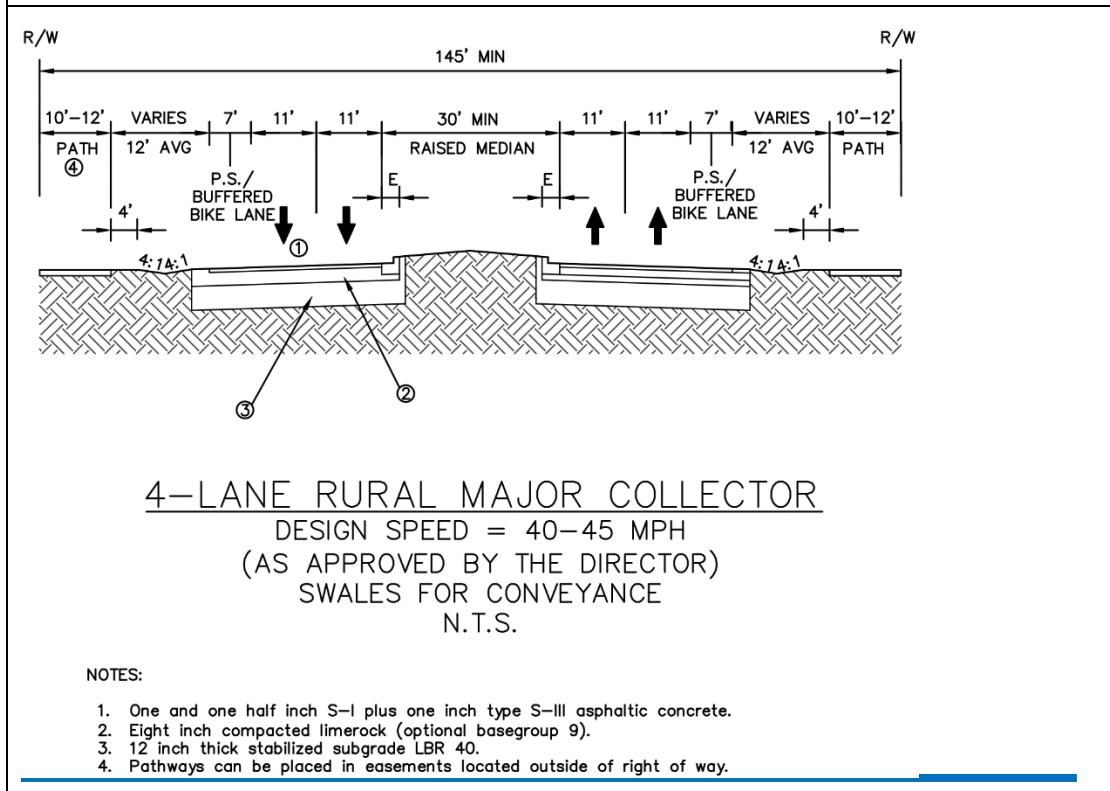
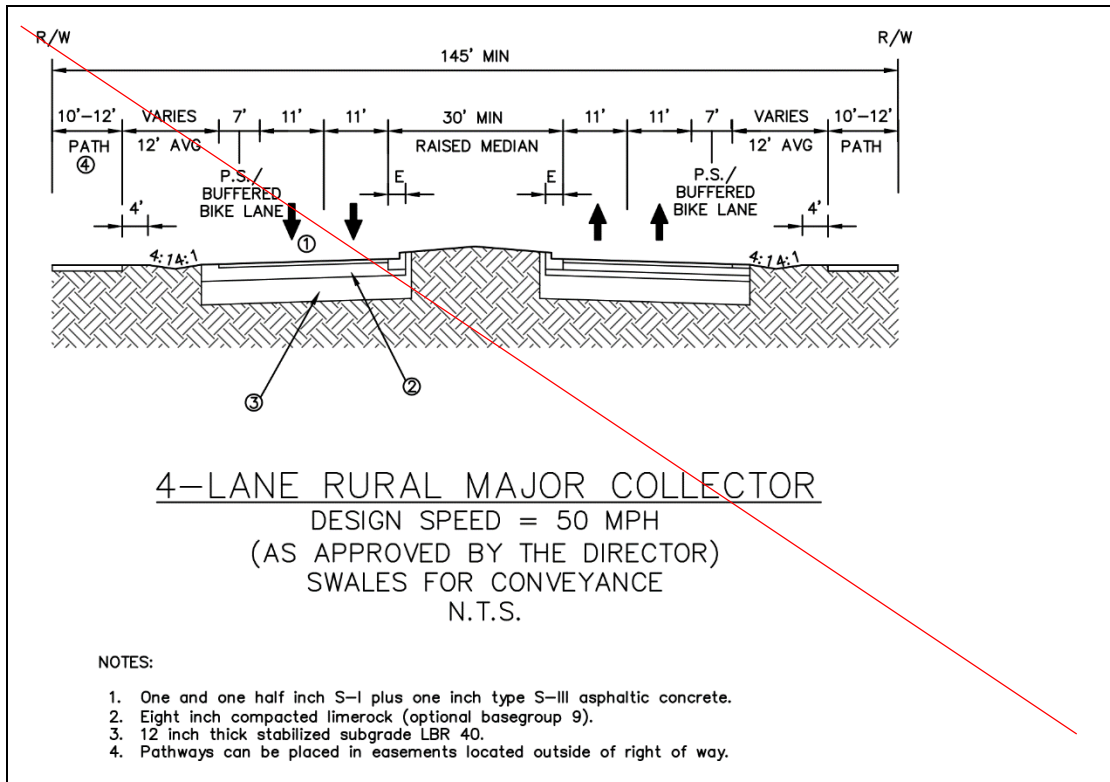
65. A.3 Four and Six-Lane Arterial Roads



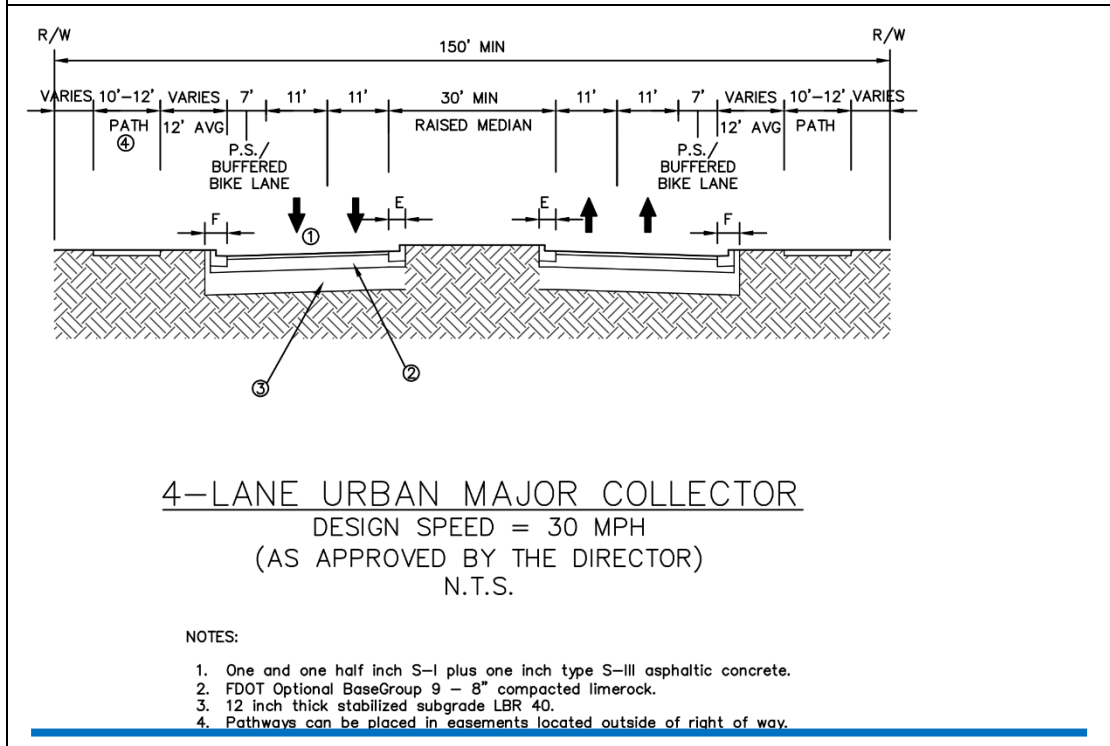
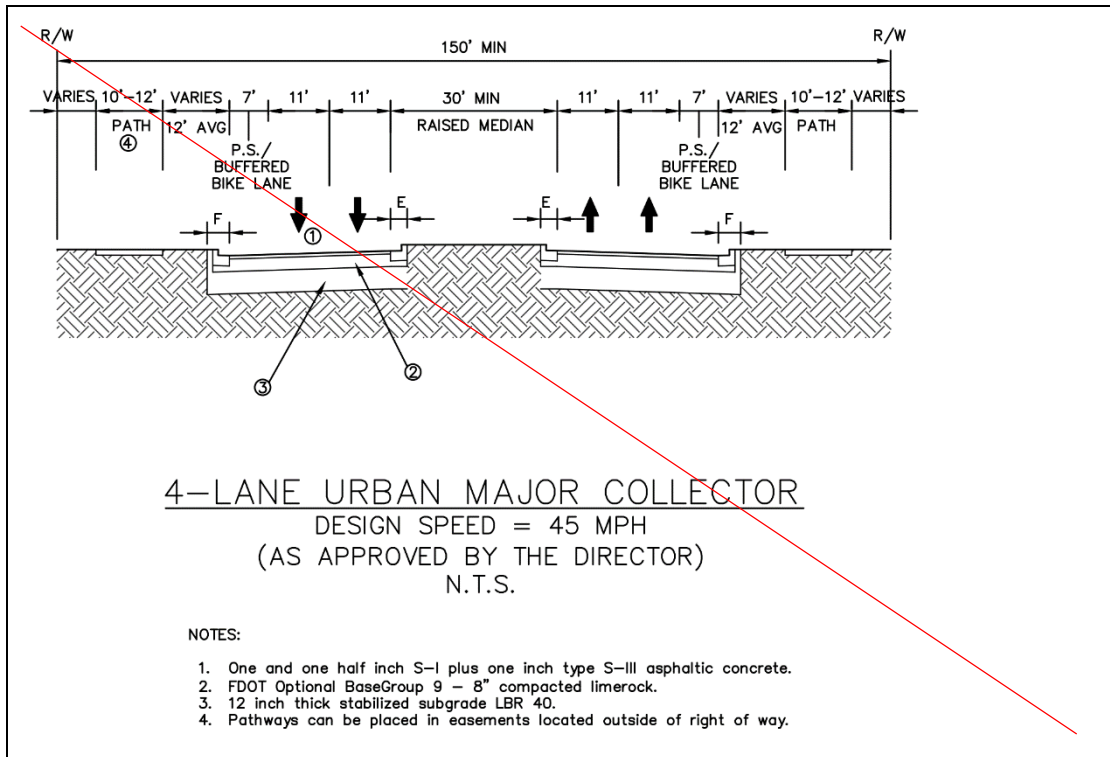
66. A.5 Four and Six-Lane Arterial Roads



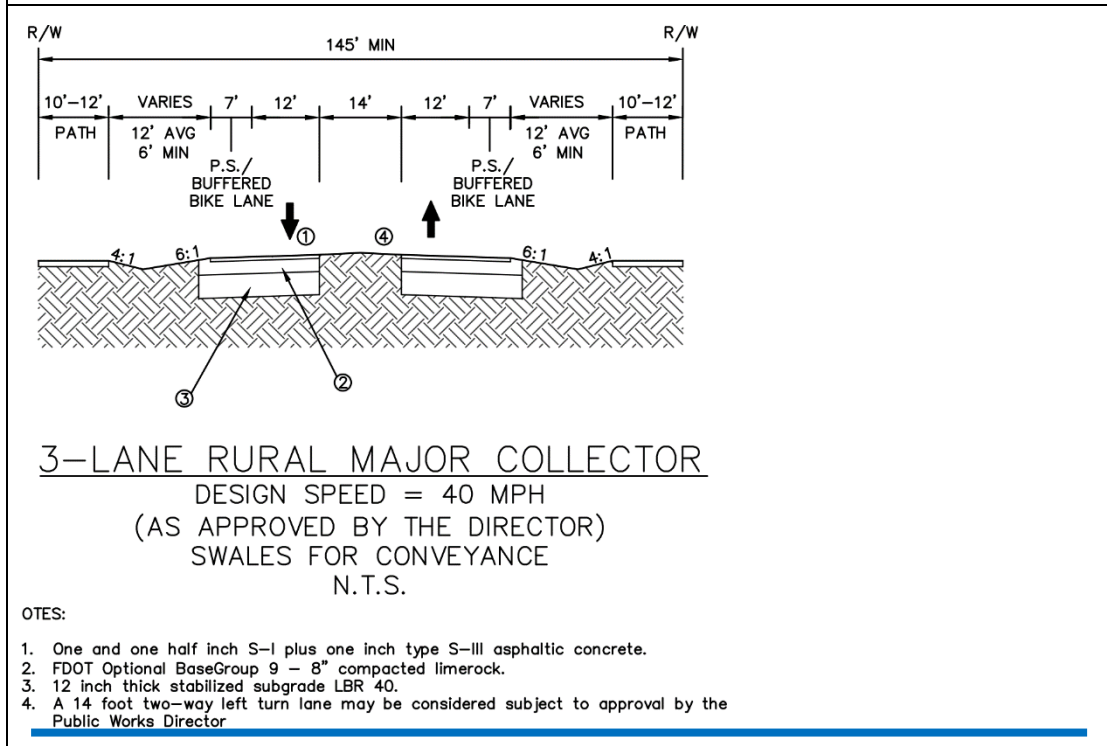
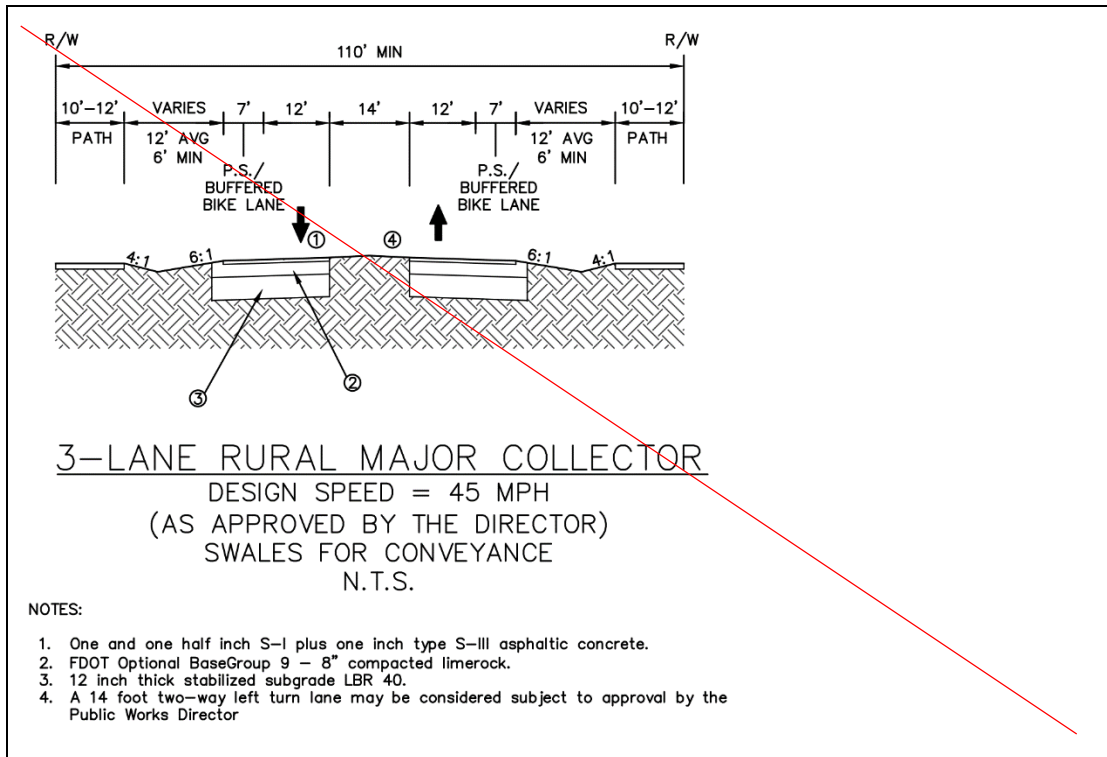
67. B.1 Collector Roads



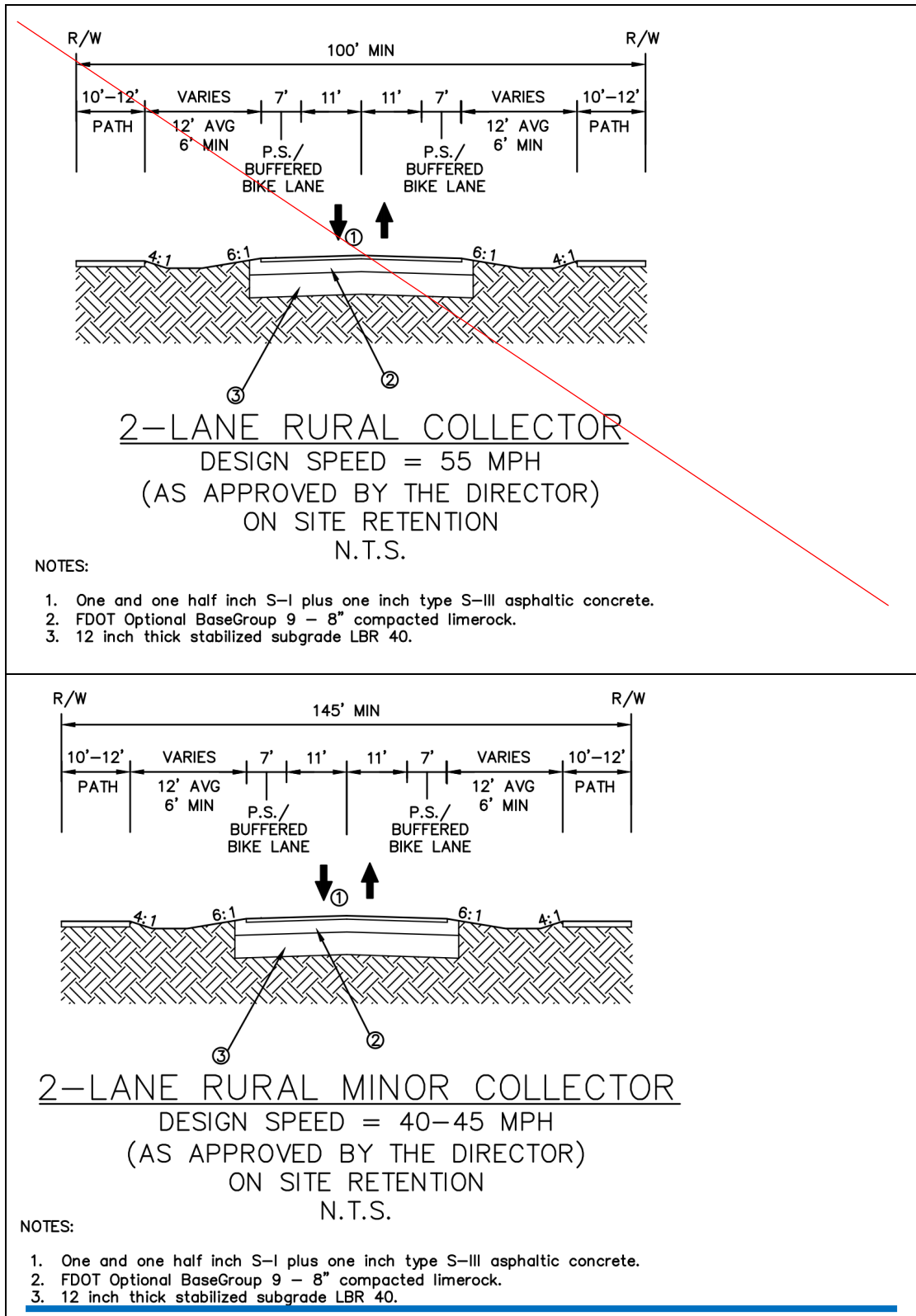
68. B.3 Collector Roads



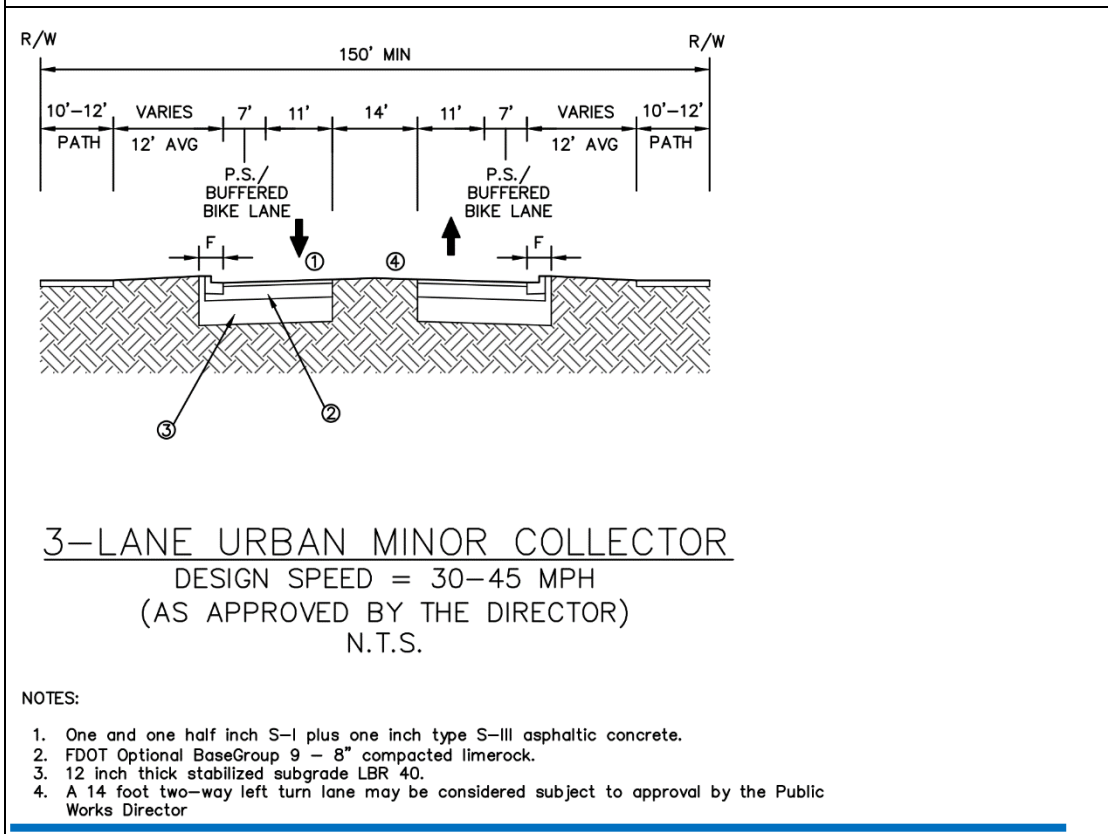
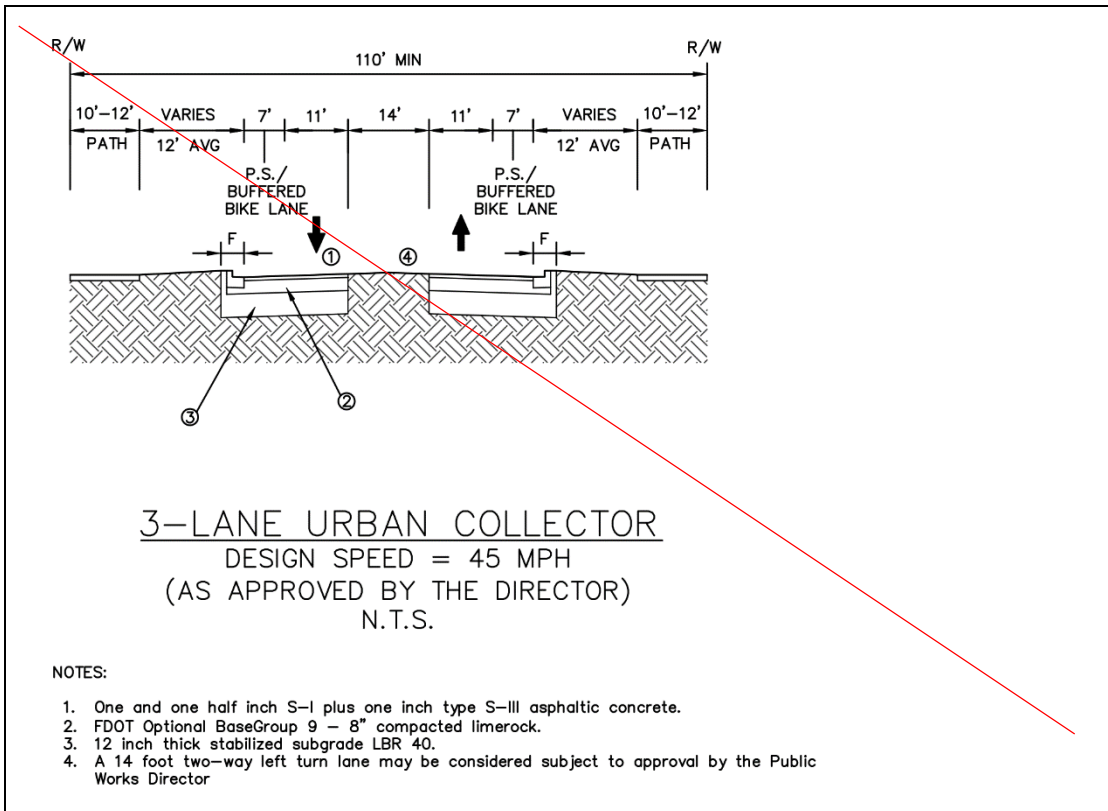
69. B.4 Collector Roads



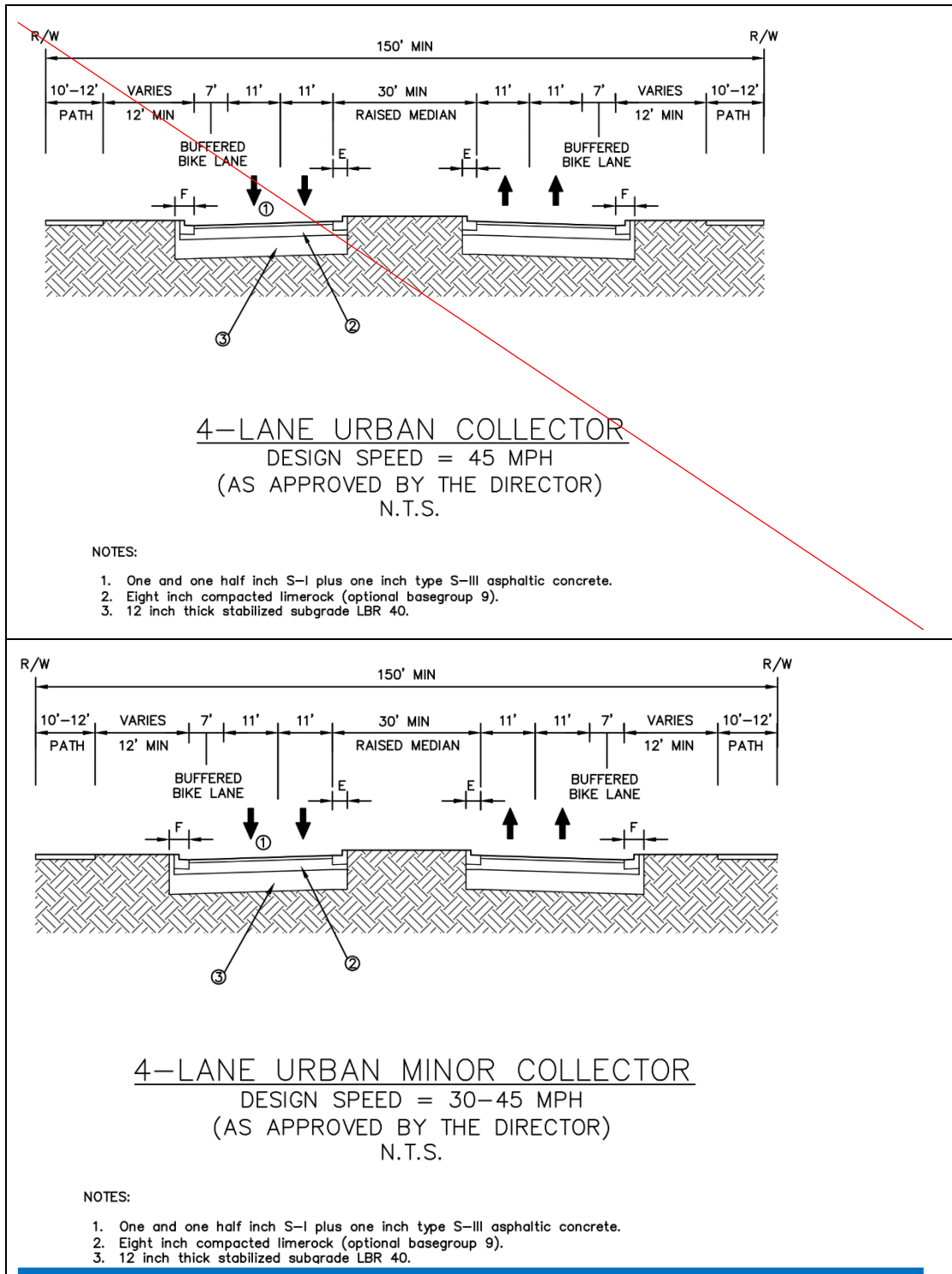
70. B.5 Collector Roads



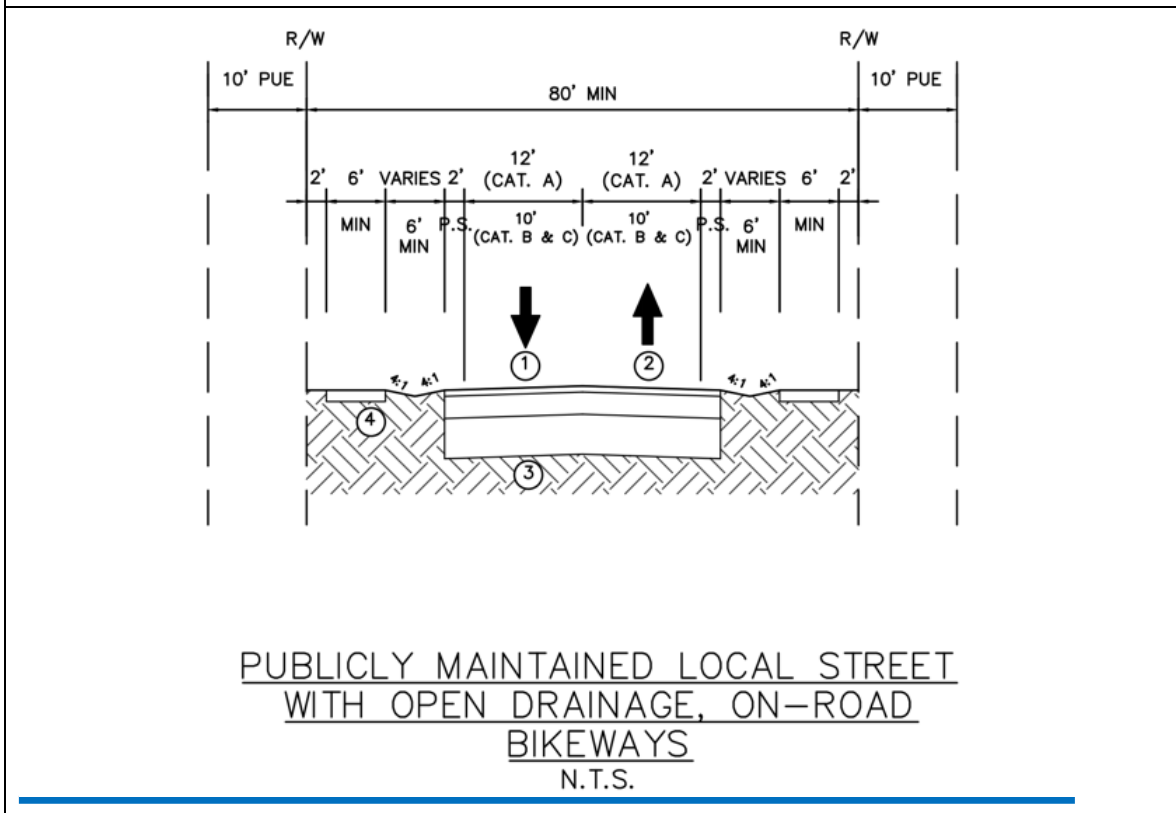
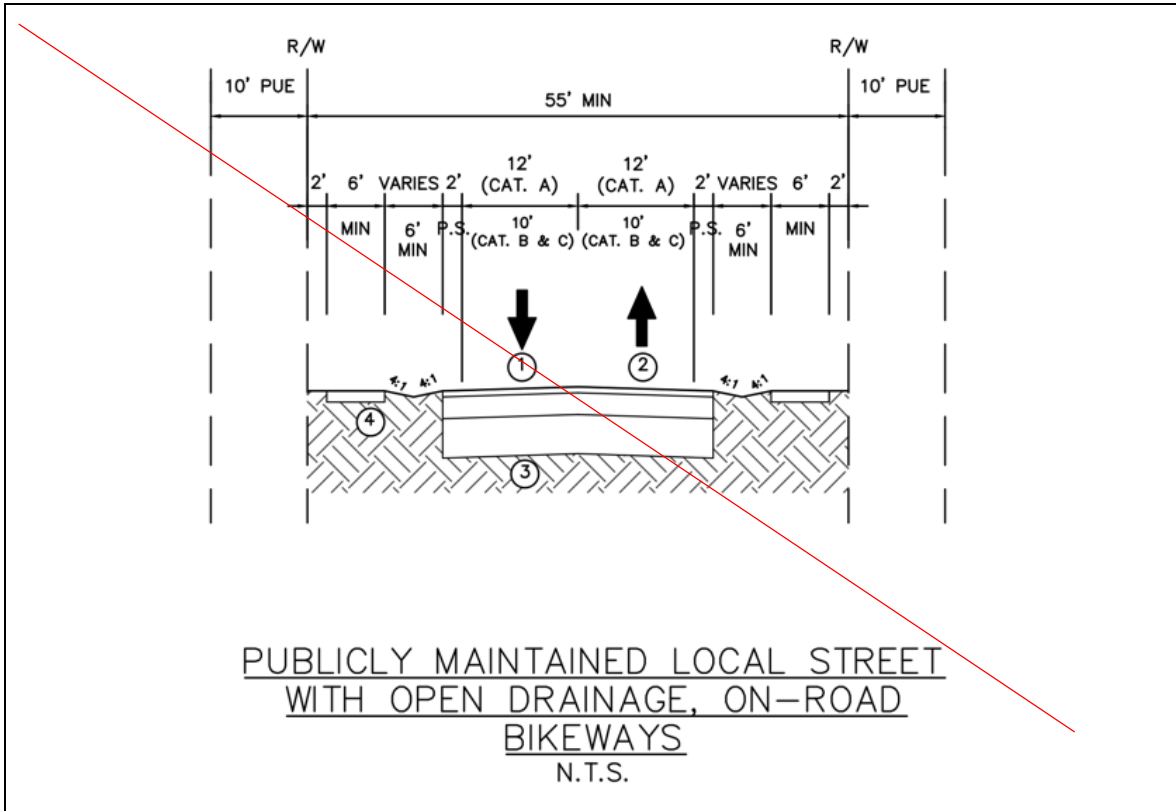
71. B.6 Collector Roads



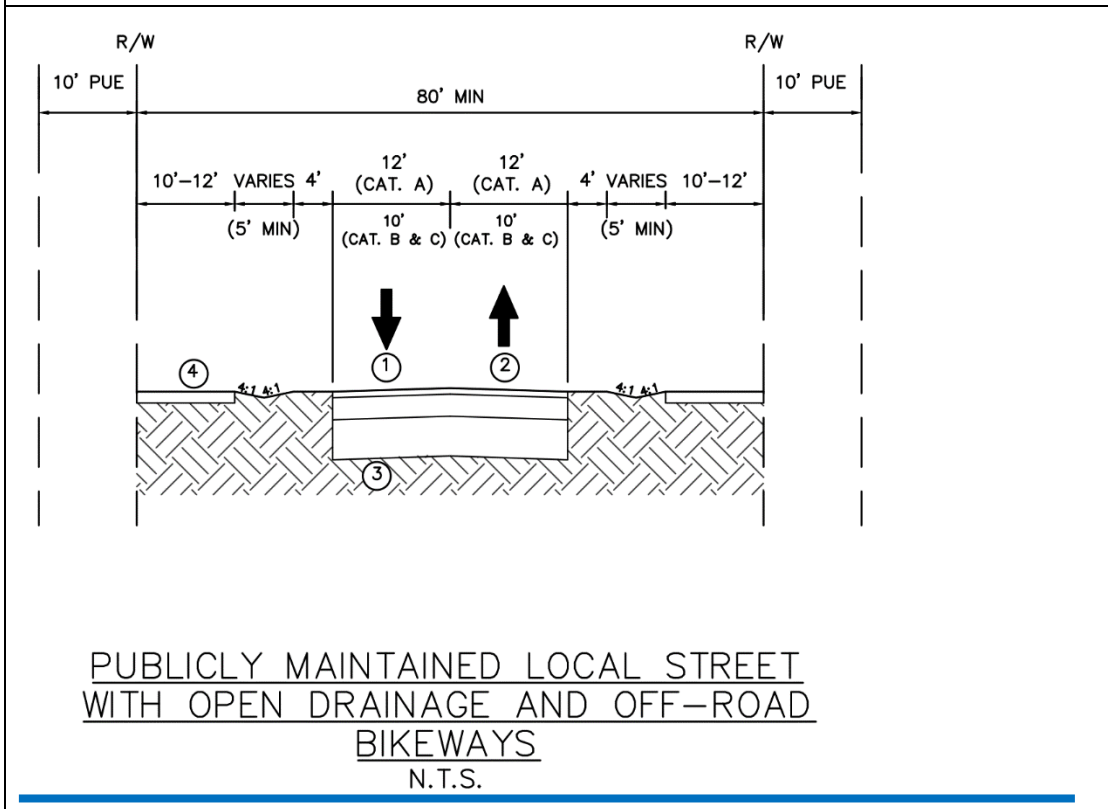
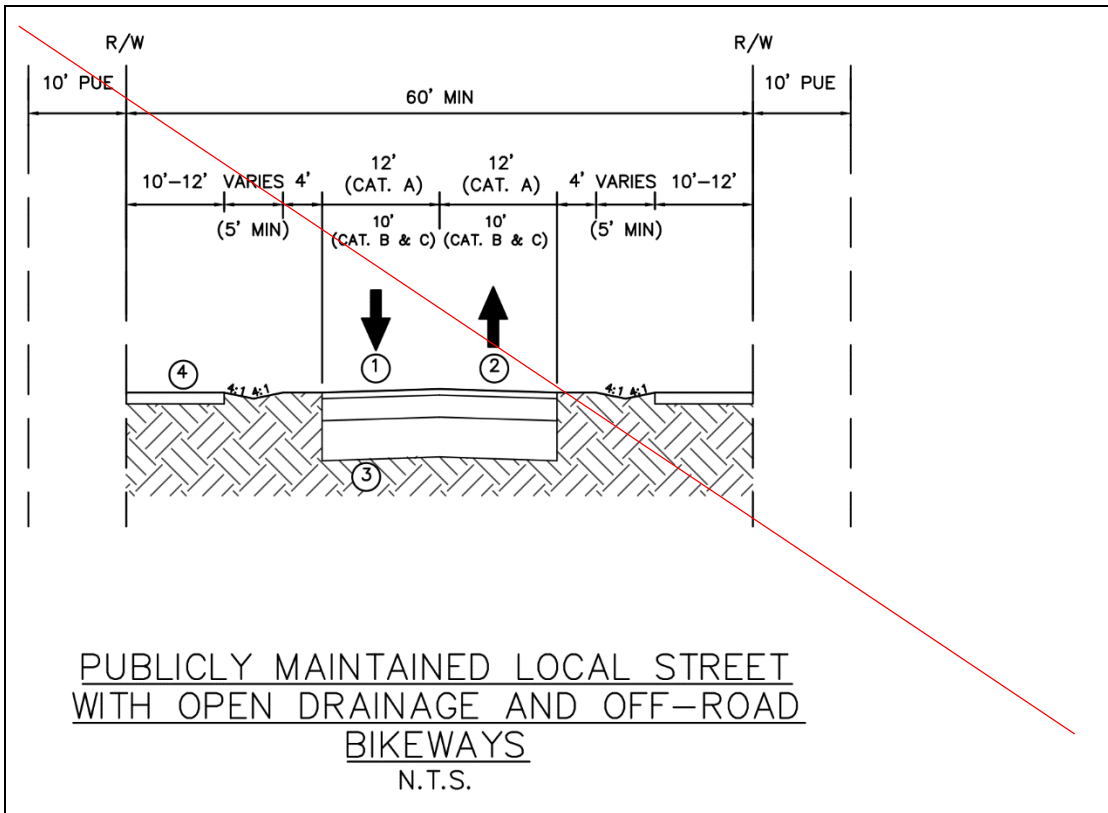
72. B.8 Collector Roads



73. C.4. Public Local Roads



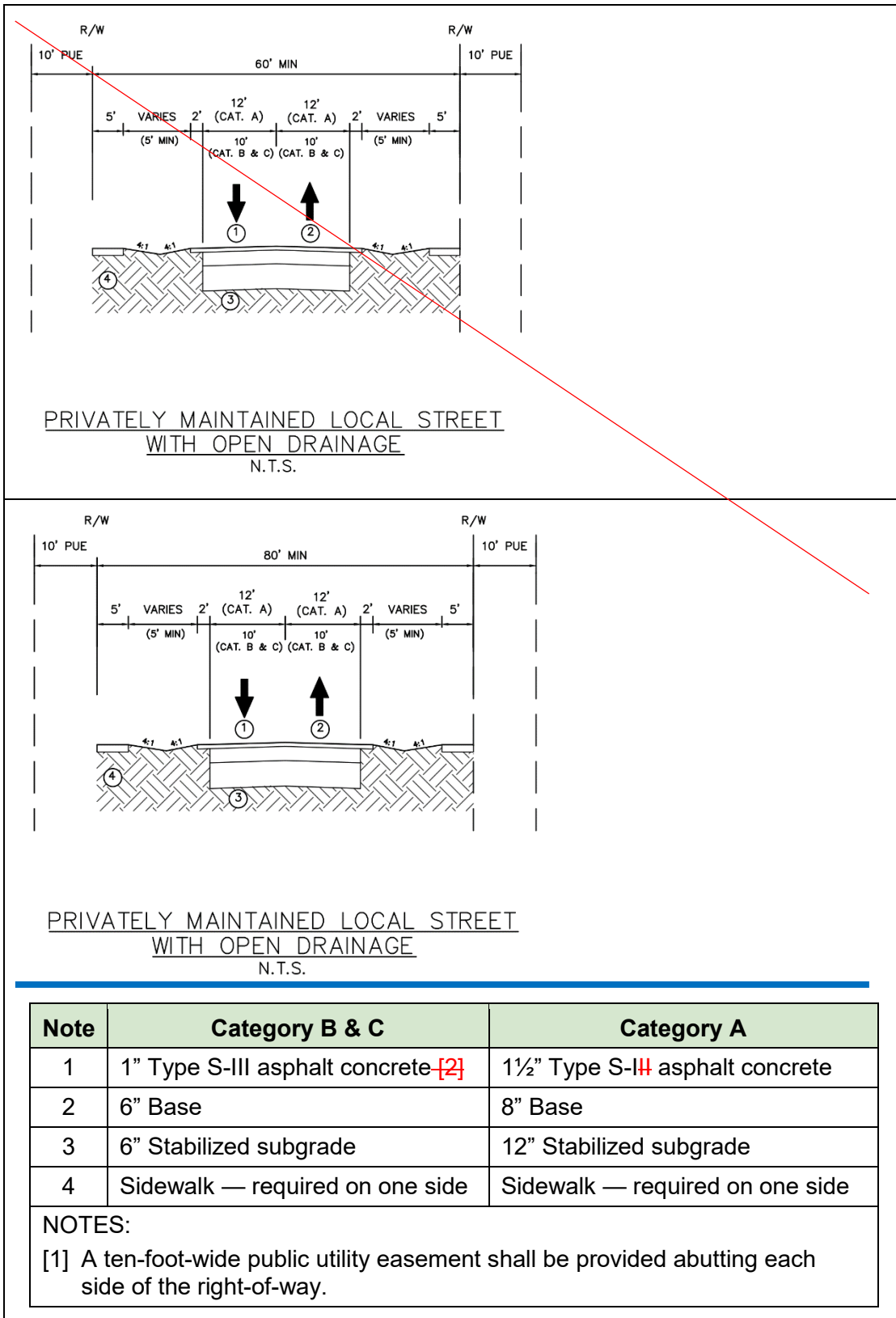
74. C.6 Public Local Roads



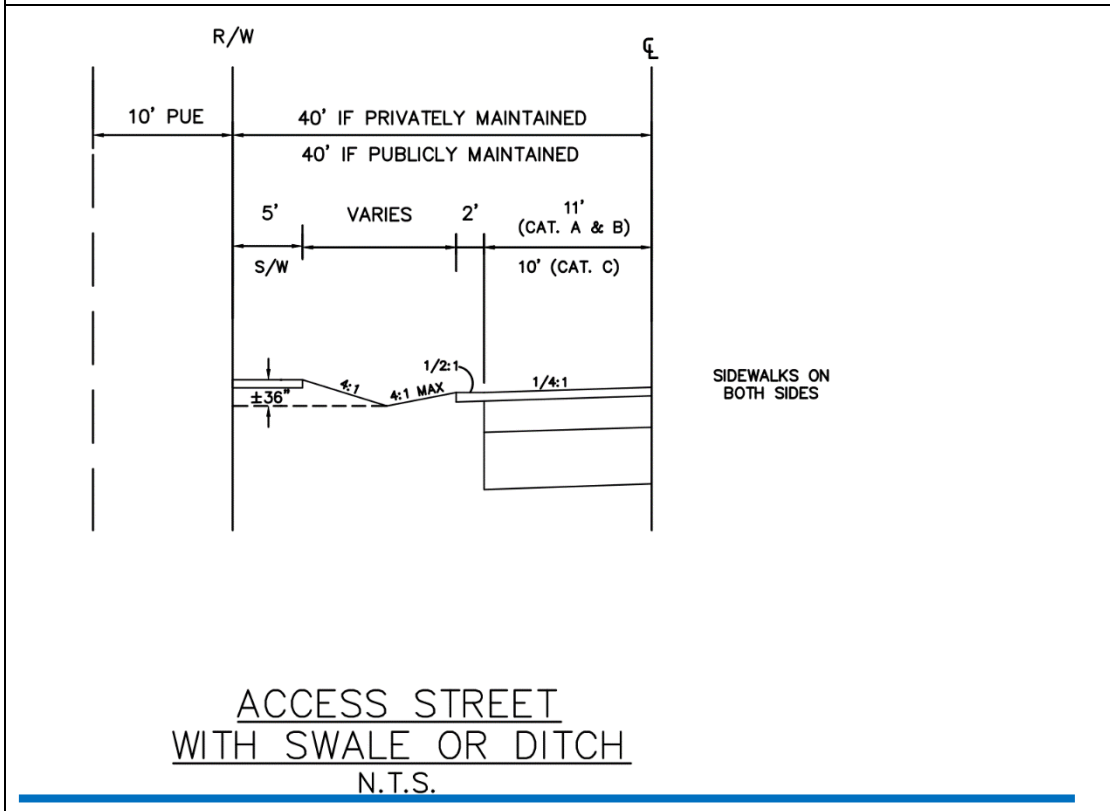
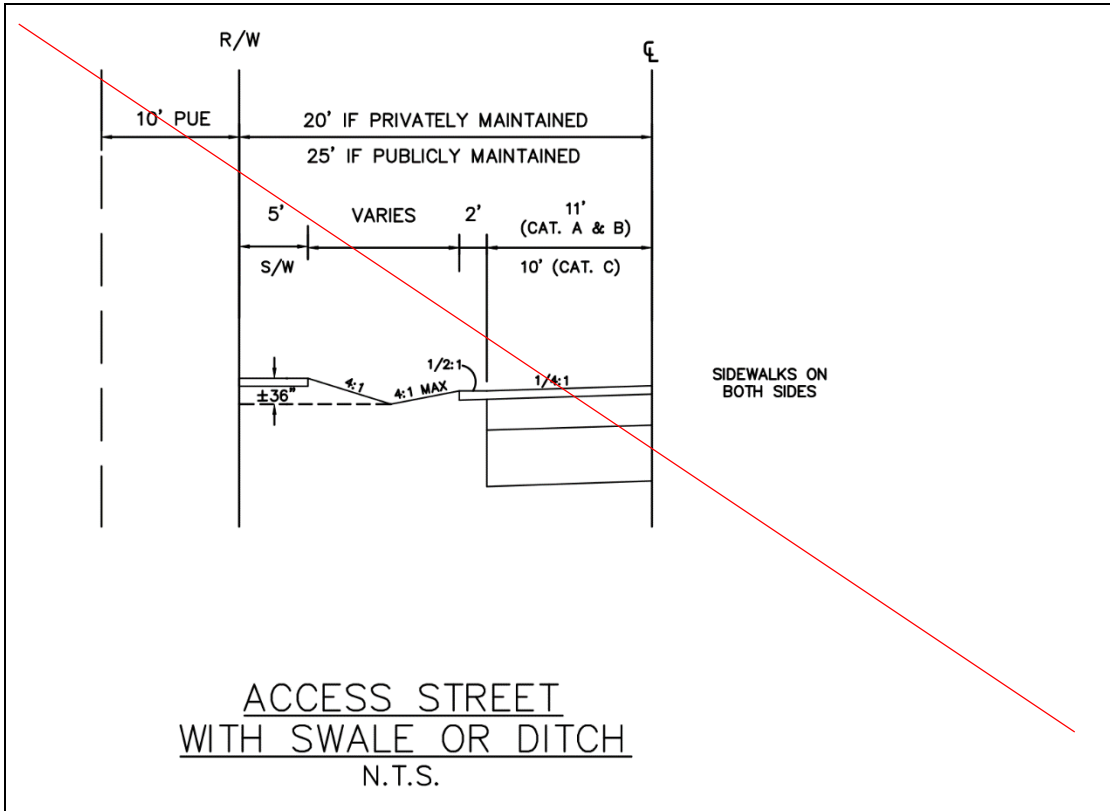
75. D.1 Private Local Roads

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

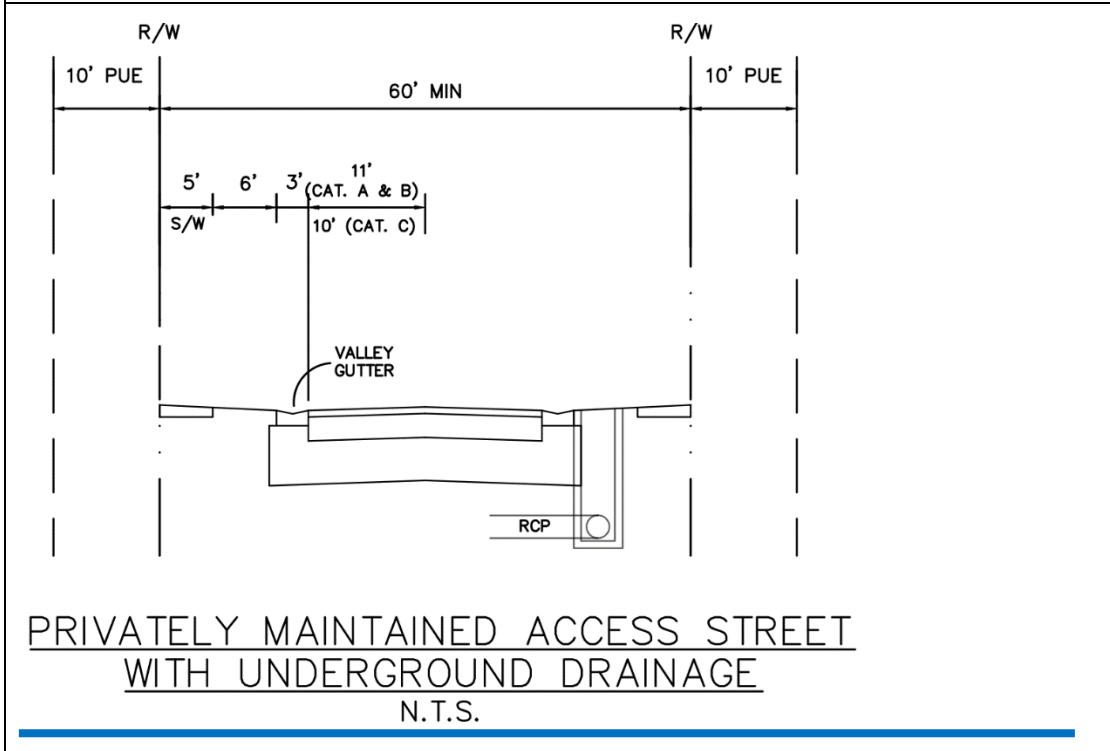
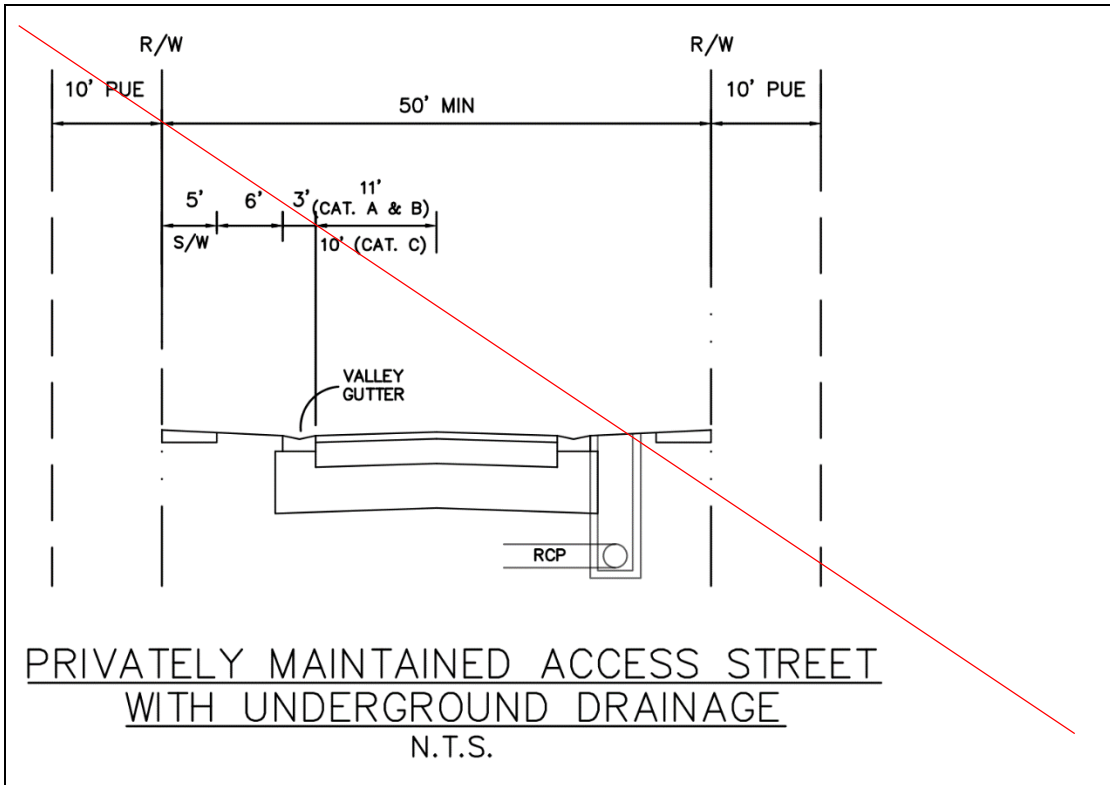
76. D.2 Private Local Roads



77. E.1 Access Roads



78. E.2 Access Roads



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

80. Comment

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

Changes

Sec. 5-403.A Plant Suitability

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

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

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

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

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

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

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

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

The planting of native shade trees, ~~meeting the specifications of Appendix F: Recommended Plant Lists~~, around the lake perimeter, calculated at one tree per 100 feet of lake shoreline measured at control elevation. The tree planting is in addition to other required trees and shall be coordinated with lake littoral plant requirements. The planting locations proposed to meet the wetland herbaceous plant requirements set forth in Sec. 5-408.1.5, 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.

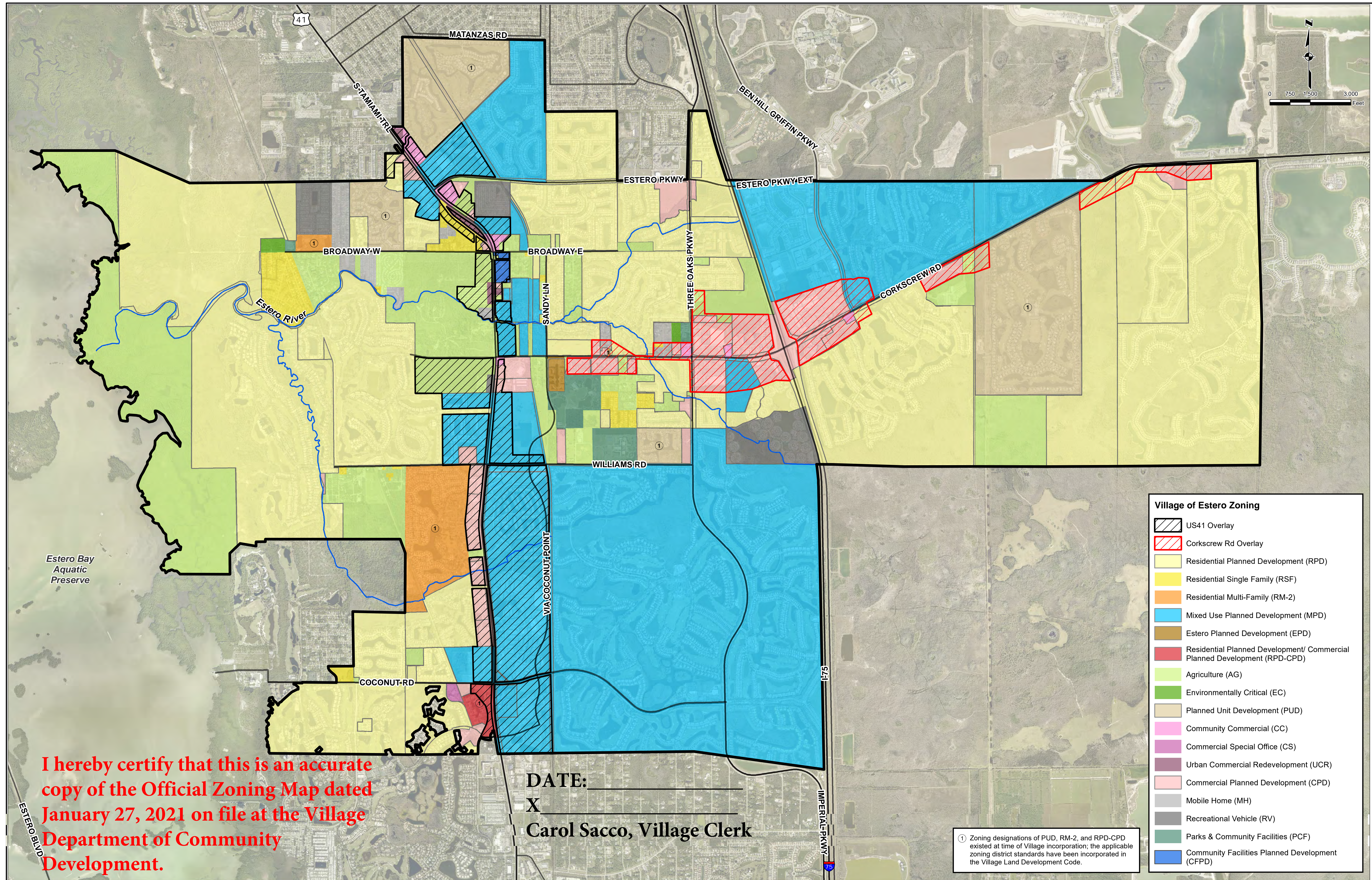
Sec. 10-4 Definitions:

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~~

~~[...]~~



- Village of Estero Zoning**
- US41 Overlay
 - Corkscrew Rd Overlay
 - Residential Planned Development (RPD)
 - Residential Single Family (RSF)
 - Residential Multi-Family (RM-2)
 - Mixed Use Planned Development (MPD)
 - Estero Planned Development (EPD)
 - Residential Planned Development/ Commercial Planned Development (RPD-CPD)
 - Agriculture (AG)
 - Environmentally Critical (EC)
 - Planned Unit Development (PUD)
 - Community Commercial (CC)
 - Commercial Special Office (CS)
 - Urban Commercial Redevelopment (UCR)
 - Commercial Planned Development (CPD)
 - Mobile Home (MH)
 - Recreational Vehicle (RV)
 - Parks & Community Facilities (PCF)
 - Community Facilities Planned Development (CFPD)

① Zoning designations of PUD, RM-2, and RPD-CPD existed at time of Village incorporation; the applicable zoning district standards have been incorporated in the Village Land Development Code.

I hereby certify that this is an accurate copy of the Official Zoning Map dated January 27, 2021 on file at the Village Department of Community Development.

DATE: X
Carol Sacco, Village Clerk

REVISIONS	

NOTES:
 - Proposed zoning districts and overlay boundaries are created from the Lee County Zoning shapefile containing transitional zoning districts, Lee County Planned Developments shapefile, and from approved rezoned properties from Village of Estero Department of Community Development, Sept 2020.
 - Aerial shown is from Lee County dated February-March 2020.



Village of **ESTERO**

VILLAGE OF ESTERO
 9401 CORKSCREW PALMS CIR, SUITE 101
 ESTERO, FL 33928
 PHONE (239) 221-5036
 www.estero-fl.gov

Zoning Map

DATE	SCALE	SHEET
JANUARY 27, 2021	As Shown	1



Village of
ESTERO

Land Development Code

FIRST READING
DECEMBER 9, 2020



LAND DEVELOPMENT CODE

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CHAPTER 1. GENERAL PROVISIONS

SECTION 1-1. TITLE

This code shall be officially entitled the “Land Development Code (LDC) of the Village of Estero, Florida,” and may be referred to as the “Estero Land Development Code,” the “Land Development Code,” “the LDC,” or “this LDC.”

SECTION 1-2. AUTHORITY

1-201. GENERAL

The Estero Village Council is authorized to adopt this LDC in accordance with Article VIII, Section 2(b) of the Florida Constitution, the charter of the Village of Estero, Chapter 166 of the Florida Statutes (the Municipal Home Rules Powers Act), Section 163.3202, Fla. Stat., and all other relevant laws of the State of Florida.

1-202. REFERENCES TO STATE AND FEDERAL LAW

Whenever any provision of this LDC refers to or cites a section of the Florida Statutes (Fla. Stat.) or Florida Administrative Code (FAC), or any federal law, and that section is later amended or superseded, this LDC shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

SECTION 1-3. GENERAL PURPOSE AND INTENT

The general purpose of this LDC is to promote the public health, safety, and general welfare, and to implement the goals, objectives, and policies of the Village’s comprehensive plan and other adopted plans. More specifically, this LDC is intended to do the following, consistent with the goals, objectives, and policies of the comprehensive plan and other adopted plans:

- 1-301. Establish comprehensive, consistent, effective, efficient, and equitable standards and procedures for the review and approval of development that implements the comprehensive plan and other adopted plans.
- 1-302. Respect the rights of landowners while considering the interests and goals of the Village’s citizens.
- 1-303. Ensure that land uses and development are configured and located in a rational and efficient manner.
- 1-304. Support development that is attractive, pedestrian-friendly, well-connected, and encourages multiple modes of mobility.
- 1-305. Support and encourage vibrant, pedestrian-friendly, and higher density mixed-use development with placemaking elements in the Village Center and other appropriate areas in the Village.
- 1-306. Support and encourage high quality redevelopment along the US 41 corridor that is consistent with its context.
- 1-307. Maintain a high quality of architectural design, development form, and quality of life.
- 1-308. Provide a diversity of housing opportunities.
- 1-309. Protect the character of existing and new residential neighborhoods from incompatible development.
- 1-310. Support economic development and new employment opportunities in ways that are consistent with the Village’s desire to maintain a high quality of development and pedestrian-friendliness.
- 1-311. Support a rational and effective stormwater management program and regulations.
- 1-312. Ensure standards are established that protect the Village’s natural resources, including natural lands, habitats, wetlands, floodplains, and other waterways in the Village.
- 1-313. Support and encourage green building practices.
- 1-314. Protect unique historical and cultural structures in the Village.

- 1-315.** Provide specific procedures to ensure that development is conditioned on the availability of certain public facilities and services to adequately accommodate that development (concurrency).
- 1-316.** Ensure new development pays its proportionate share for the road, park, and public safety capital facilities needed by the Village and facility providers to adequately accommodate it.

SECTION 1-4. APPLICABILITY

1-401. GENERAL APPLICABILITY

- A.** The provisions of this LDC shall apply to the development of all land within the corporate limits of the Village of Estero, unless expressly exempted by another specific section, subsection, or paragraph of this LDC.
- B.** Except as provided in subsection C below, all development, including the subdivision of land, is required to obtain a development order in accordance with this LDC prior to commencing any land development activities or receiving any development permit, including a building permit.
- C.** The following development is permitted without obtaining a development order, provided the development otherwise complies with the standards of this LDC:
 - 1.** Construction of a single-family dwelling or a two-family attached dwelling on an individual lot, including any customary accessory structures;
 - 2.** Development of agricultural uses, except a development order is required for excavations in accordance with Sec. 7-206.G, Excavations;
 - 3.** Signs which are regulated by Chapter 6: Signage; and
 - 4.** The replacement of existing utility lines.

1-402. APPLICATION TO GOVERNMENTAL UNITS

- A.** The provisions of this LDC apply to development by the Village or its departments, and to land owned by the Village.
- B.** To the extent allowed by law, the provisions of this LDC also apply to development by any county, the State of Florida or its agencies, and the federal government or its agencies or departments.

1-403. COMPLIANCE REQUIRED

- A.** No land in the Village shall be developed without compliance with the requirements of this LDC, and all other applicable Village, Lee County, state, and federal laws and regulations.
- B.** Except as otherwise provided for in this LDC, permits for development, including building permits, will only be issued after the issuance of, and in compliance with, a development order. No rezoning, development order, limited development order, or permit may be issued relating to any land that is the subject of code enforcement action (see Sec. 1-801, Violations Continue) or that otherwise violates this LDC regardless of whether the applicant or the landowner owned the property at the time the violation occurred. However, this subsection will not prevent issuance of a permit for the specific purpose of resolving or abating the violation.
- C.** Improvements constructed in accordance with an approved development order or limited development order may not be placed into service or otherwise used until the required certificate of compliance is issued for the development order/limited development order.
- D.** All development shall remain in compliance with the terms and conditions of all development approvals and permits even after issuance of a certificate of completion.

1-404. EMERGENCY EXEMPTION

Consistent with state law, the Village Council may, by resolution and without any otherwise required prior notice or public hearing, authorize Village agencies or departments to deviate from the provisions of this LDC during an emergency when the need to act quickly to secure the public health, safety, or welfare makes it impossible to submit to the normal procedures and requirements of this LDC.

1-405. MINIMUM REQUIREMENTS

The standards and requirements of this LDC shall be construed to be the minimum requirements necessary for meeting the general and specific requirements of this LDC. Development shall also comply with local, state, and federal air, water, and noise pollution standards.

1-406. ENGINEERS AND DESIGN CONSULTANTS

All required improvements such as streets, drainage structures, drainage systems, bridges, bulkheads, and water and sewage facilities shall be designed by licensed engineers registered in this state. All plans, drawings, reports, and calculations shall be prepared, signed, and sealed by the appropriate licensed professional, such as engineers, architects, landscape architects, land surveyors, and attorneys, registered in the state. Other specialized consultants, such as environmental consultants or archaeologists may be required to assist in the preparation of the plans, drawings, reports, and other documents required to be prepared by this LDC.

1-407. NOTICE OF COMMENCEMENT OF CONSTRUCTION

Seventy-two (72) hours before commencing construction, the Director shall be notified by the constructing entity. Notice shall include the location of construction by address and project name, and shall include the general contractor's contact information.

1-408. DEVELOPMENT AND CONSTRUCTION ACTIVITIES

- A. During development and construction activities, the developer shall take every reasonable precaution to avoid:
1. Dust and debris from blowing onto adjacent properties. If the Director determines conditions are such that dust or debris is adversely affecting adjacent properties, a stop work order may be issued until the conditions are mitigated. The proposed method of mitigation may include (but is not limited to) temporary silt fencing, sprinkling the area with water, seeding or sodding, or other similar measures approved by the Director.
 2. If the Director determines construction activities could be, or are, generating noise, nuisance, or other adverse impacts that may unreasonably affect adjacent properties, the Director may establish reasonable working hours or other conditions for construction activities as a condition of the development order/limited development order. If the stipulated working hours or conditions are violated, a stop work order may be issued until the conditions are mitigated.
- B. Prior to approval of a development order or limited development order, an applicant shall prepare and have a Construction Activity Management Plan approved by the Director, which shall ensure construction on the site will not have an adverse impact on surrounding properties or the site itself. The Construction Activity Management Plan shall comply with all Maintenance of Traffic procedures adopted by the Village, unless the Director determines the procedures are not needed.
-

SECTION 1-5. CONSISTENCY WITH COMPREHENSIVE PLAN

- 1-501.** This LDC is intended to ensure that all development within the Village is consistent with the goals, objectives, and policies, and Future Land Use Map (FLUM) of the comprehensive plan. Where there are clear conflicts between the comprehensive plan and this LDC, the comprehensive plan shall control.
- 1-502.** All development permits as defined in state law, including but not limited to Developments of Regional Impact (DRIs), amendments to the zoning district map (rezonings), planned developments, special exceptions, development orders, limited development orders, plat approvals, zoning variances, flood hazard variances, administrative deviations, any other deviations, a certificate of concurrency compliance, right-of-way permits, driveway/right-of-way permits, sign permits, temporary use permits, and tree removal permits, shall be consistent with the comprehensive plan.
-

SECTION 1-6. RELATIONSHIP WITH OTHER LAWS, COVENANTS, OR DEEDS

1-601. CONFLICTS WITH OTHER VILLAGE REGULATIONS

- A. If a provision of this LDC is inconsistent with another provision of this LDC, or with a provision found in other codes or ordinances of the Village, the more restrictive provision shall control unless the terms of the more restrictive provision specify otherwise. The more restrictive provision is the one that imposes greater restrictions or burdens, or more stringent controls.
- B. The definitions contained in this LDC will be controlling for all provisions of this LDC, and definitions contained in other Village ordinances and regulations of the County shall not apply. In the absence of a definition, the definitions of terms in other ordinances and regulations shall be persuasive only if specifically referenced in this LDC.

1-602. CONFLICTS WITH STATE OR FEDERAL LAW

If a provision of this LDC is inconsistent with a provision found in the laws or regulations of the state or federal government, the more restrictive provision shall control, to the extent permitted by law.

1-603. RELATIONSHIP TO PRIVATE AGREEMENTS/ CONFLICTS WITH PRIVATE AGREEMENTS

Nothing in this LDC is intended to supersede, annul, or interfere with any deed restriction, covenant, easement, or other agreement between private parties, but such deed restrictions, covenants, easements, and other private agreements shall not excuse any failure to comply with this LDC. The Village is not responsible for monitoring or enforcing any such private agreements.

1-604. EXISTING VESTED RIGHTS

Nothing in this LDC is intended to repeal, supersede, annul, impair, or interfere with any vested rights under applicable law, provided such rights are lawfully established and remain in effect.

SECTION 1-7. OFFICIAL ZONING MAP

1-701. ESTABLISHMENT AND MAINTENANCE

The Official Zoning Map is established by this LDC. It designates the location and boundaries of the various conventional zoning districts, planned development districts, and overlay zoning districts under the LDC.

1-702. INCORPORATED BY REFERENCE

The Official Zoning Map, including its entire notation, is incorporated into this LDC by reference and is on file in the office of the Director and available to the public during normal business hours. The Village may maintain the Official Zoning Map as an electronic map layer in the Village's Geographic Information System (GIS) database. The official copy of the electronic version of an Official Zoning Map shall be recorded onto permanent media to ensure all the electronic information is protected.

1-703. CHANGES TO OFFICIAL ZONING MAP

- A. Changes made in zoning district boundaries on the Official District Map shall be considered an amendment to this LDC and shall be made in accordance with Sec. 2-501.C, Rezoning (Zoning Map Amendment), or Sec. 2-501.D, Planned Development, as appropriate
- B. The Director shall enter changes on the Official Zoning Map within a reasonable period of time after the amendment is approved by Village Council. Where the ordinance enacting a zoning district boundary change contains wording explaining or clarifying the location of the new boundary, the Director may enter notations reflecting the ordinance wording on the Official Zoning Map.

1-704. ZONING DISTRICT BOUNDARIES

- A. The Director is authorized to determine in accordance with Sec. 2-507, Administrative Interpretation:
1. The location of zoning district boundaries as shown on the Official Zoning Map. When determining the location of zoning district boundaries, the Director shall use the general rules established in Sec. 10-201, Interpretation of District Boundaries.
 2. Whether a particular principal use or accessory use or structure not expressly listed in the Principal Use Tables as allowable in a particular zoning district is permitted or allowed as a principal use or special exception use. When making such an interpretation, the Director shall use the general rules in Sec. 10-202.B, Standards for Interpreting Unlisted Principal Uses, or Sec. 10-202.C, Effect of Allowing Unlisted Uses as Permitted Use or Special Exception Use, as appropriate.
- B. Appeals from the Director's determinations may be made to the Village Council (see Sec. 2-506.D, Appeal of Administrative Official Decision).
-

SECTION 1-8. TRANSITIONAL PROVISIONS

1-801. VIOLATIONS CONTINUE

Any violation of the transitional LDC shall continue to be a violation under this LDC, and subject to the penalties set forth in Sec. 2, Code Enforcement, of Ord. 2015-14, unless the development complies with the express terms of this LDC.

1-802. NONCONFORMITIES

If any use, structure, lot of record, or sign was legally established on the date of its development, but does not fully comply with the standards of this LDC including standards relevant to site configuration, then that use, structure, lot of record, or sign shall be considered nonconforming and subject to the provisions of Chapter 9: Nonconformities.

1-803. ISSUANCE OF DEVELOPMENT PERMITS

No development permit shall be approved when a subsequent amendment to this LDC adopted on [redacted] [Insert effective date] is pending before the Planning Zoning and Design Board (PZDB) or Village Council, which amendment, if adopted, would render the proposed development nonconforming.

1-804. APPLICATIONS FOR WHICH NO FINAL ACTION TAKEN

- A. Any development application submitted and accepted as complete before [redacted] [insert effective date of this LDC], but that is still pending final action as of that date, shall be reviewed and decided in accordance with the regulations in effect when the application was accepted.
- B. Completed applications shall be processed in good faith and shall comply with any time frames for review, approval, and completion as established in the regulations in effect at the time of application acceptance. If the application fails to comply with the required time frames, it shall expire and be vacated, and future development shall be subject to the requirements of this LDC.
- C. An applicant with a pending application accepted before [redacted] [insert effective date of this LDC] may opt to have the proposed development reviewed and decided under the standards of this LDC by withdrawing the pending application and submitting a new application in accordance with the standards of this LDC.
- D. To the extent a pending application approved under this subsection 1-804 proposes development that does not comply with this LDC, the development, although permitted, shall be nonconforming and subject to the provisions of Chapter 9: Nonconformities.
-

1-805. DEVELOPMENT APPROVALS AND PERMITS UNDER PRIOR LAND DEVELOPMENT CODES

- A. All development approvals or permits approved before [redacted] [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 [redacted] [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 [redacted] [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 [redacted] [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.

SECTION 1-9. BUILDINGS AND BUILDING REGULATIONS

1-901. CONFLICTING BUILDING ORDINANCE PROVISIONS

Any conflict between the applicable minimum Building Code and the applicable Fire Safety Code will be resolved by agreement between the Building Official and the Fire Official in favor of the requirement of the code which offers the greatest degree of lifesafety or alternative which would provide an equivalent degree of lifesafety and an equivalent method of construction.

1-902. STATEWIDE EFFECTIVENESS OF FLORIDA BUILDING CODE

The statewide effectiveness of the Florida Building Code (FBC) is codified in Ch. 553, Fla. Stat. The FBC is hereby adopted by reference and made a part of this chapter and supplemented with the addition of the following: Fees for renewal, reissuance, or extension of a building permit may also require the payment of new or increased impact fees that have become effective since the first issuance of the permit.

1-903. WIND BORNE DEBRIS REGION AND BASIC WIND SPEED MAP

The Lee County Wind Borne Debris Region and Basic Wind Speed Map, as depicted in Appendix M of the Lee County LDC establishes the geographical boundaries of the wind speed zones and the wind borne debris region in Lee County. The wind speed lines and wind borne debris region coincide with Figures 1609A (Ultimate Design Wind Speeds – Risk Category II Buildings), 1609B (Ultimate Design Wind Speeds – Risk Category III & IV Buildings), and 1609C (Ultimate Design Wind Speeds – Risk Category I Buildings), of the FBC.

1-904. MANAGEMENT AND REMOVAL OF CONSTRUCTION SITE TRASH AND DEBRIS

A. Unlawful to Bury

It is unlawful to bury construction site trash or debris on the construction site or on any other public or private property not specifically approved for such use.

B. Trash Containers and Collection Service

A suitable trash container and adequate collection service must be provided for each construction site. For purposes of this requirement, a "suitable container" means a structure, device, receptacle, or other container approved by the County, which holds and contains construction debris on the construction site in a central location long enough for it to be removed from the site by means of whatever collection service the contractor chooses to use or may be required to use pursuant to other applicable laws, before such debris is:

1. Washed or blown off-site;
2. Contaminates subsurface elements;
3. Becomes volatile or malodorous;
4. Makes an attractive nuisance; or
5. Otherwise becomes a threat to the public health, safety and welfare.

1-905. MAINTENANCE

A. Maintenance Required

1. General Maintenance

Buildings, structures, pools, electrical, gas, mechanical and plumbing systems, both existing and new, and all parts thereof, must be maintained in a safe and sanitary condition. Devices and safeguards that are required by the technical codes when constructed, altered or repaired, must be maintained in good working order. The owner, or his designated agent, will be responsible for the maintenance of buildings, structures, pools, electrical, gas, mechanical and plumbing systems.

2. Exterior Surfaces of Buildings, Including Roofs

A. Building walls and roofs must be maintained as follows:

1. Building walls and roofs must be maintained in a secure and attractive manner.
2. Deteriorated or damaged structural and decorative elements of any building wall or roof must be repaired or replaced in a workman-like manner to match as closely as possible the materials and construction of the building.
3. Roofs must be maintained in a secure and waterproof condition.

B. Doors, windows, and screens must be maintained as follows:

1. Doors and windows must be secure in a tight fitting and weatherproof condition.
2. Sashes/sills with rotten wood must be repaired or replaced.
3. Torn or damaged screens must be promptly repaired.

C. Awnings or canopies must be maintained in good condition. Torn or loose awnings must be promptly repaired or replaced.

D. Screen rooms, pool cages, and screen enclosures must be maintained in a secure and attractive manner. Deteriorated or damaged structural and decorative elements of any screen rooms, pool cages, and screen enclosures must be repaired or replaced in a workmanlike manner to match as closely as possible the materials and construction of the building.

E. Soffit and fascia must be maintained in good condition. All damaged or missing soffit or fascia must be repaired or replaced in a workmanlike manner to match as closely as possible the material and construction of the existing soffit and fascia.

3. Fences

Fences and non-roofed walls must be maintained in a secure and attractive manner. Deteriorated or damaged structural and decorative elements of any fence or non-roofed wall must be repaired or replaced in a workmanlike manner to match as closely as possible the materials and construction of the fence or non-roofed wall. Fences and non-roofed walls must be maintained as to appear vertical to the unassisted eye.

4. Docks and Seawalls

Docks and seawalls must be maintained in a secure and attractive manner. Deteriorated or damaged structural and decorative elements of docks or seawalls must be repaired or replaced in a workmanlike manner to match as closely as possible the materials and construction of the dock or seawall. Docks and seawalls must be maintained as to appear vertical to the unassisted eye.

5. Signs

Signs must be maintained in a secure and attractive manner. Deteriorated or damaged structural and decorative elements of a sign must be repaired or replaced in a workmanlike manner to match as closely as possible the materials and construction of the sign.

6. Permits and Development Orders

The characterization of construction activity as either a repair or maintenance does not relieve the property owner from the responsibility of obtaining all permits or development orders necessary to comply with the foregoing provisions of this section.

B. Nuisances

1. No person owning, leasing, operating, or having control of premises may maintain, keep, or permit any nuisance as described in this section.
2. The existence of any of the following conditions or conduct is hereby declared to be a public nuisance:
 - A. Buildings that are abandoned.
 - B. Buildings that are boarded up, except when placed for temporary hurricane protection and removed within 30 days.
 - C. Buildings that are partially destroyed and not rebuilt or repaired within a reasonable temporary period.
 - D. Partially constructed buildings or structures for which building permits have expired.
 - E. Attractive nuisances dangerous to children such as untended or unfenced excavations, untended or unenclosed swimming pools, or abandoned or broken equipment or machinery.
 - F. Blocking of drainage swales or pipes so as to cause flooding or adversely affect surrounding property.
 - G. Outdoor storage on private property of boats and motor vehicles and trailers that are not affixed with a current registration decal.

1-906. IMPROVEMENTS OR REPAIRS NOT REQUIRING A PERMIT

The following improvements or repairs do not require a permit:

- A. Improvements or repairs to 100 square feet or less of drywall where no fire separation is involved, within any 12-month period.
- B. Improvements or repairs to a garden or yard trellis less than 200 square feet in area and less than 12 feet in height.

SECTION 1-10. SEVERABILITY

It is also the legislative intent of the Village Council that if any section, subsection, sentence, clause, or phrase of this LDC is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity and continued enforcement of any other provision of this LDC. The Village Council hereby declares that it would have adopted this LDC and any section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases of the LDC is declared invalid by a court of competent jurisdiction.

SECTION 1-11. EFFECTIVE DATE

This LDC shall become effective on [redacted] [insert the effective date of the LDC], and repeals and replaces in its entirety the transitional Land Development Code as originally adopted on [redacted] [insert adoption date of transitional LDC], and subsequently amended.

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CHAPTER 2. ADMINISTRATION

SECTION 2-1. PURPOSE

This chapter sets forth the review and approval procedures and standards for all development applications under this LDC.

SECTION 2-2. SUMMARY TABLE OF APPLICATIONS

2-201. SUMMARY TABLE

Table 2-201: Summary Table of Development Applications, identifies the various development approvals authorized by this LDC and the roles the Village Council, boards, and staff have in making recommendations or decisions on applications for each type of development approval. It also identifies those applications that require a public hearing, and notes whether a public information meeting or pre-application conference is required. Where there might be a conflict between the table and the text of this LDC, the text shall control.

TABLE 2-201: SUMMARY TABLE OF DEVELOPMENT APPLICATIONS A-Appeal D-Decision R-Recommendation S-Staff Review W-Public Information Meeting Required #-Mandatory Pre-application Conference < >-Public Hearing Required				
Review Procedure	Village Council	Planning Zoning and Design Board (PZDB)	Community Development Director	Public Information Meeting ¹
Discretionary Approval				
Comprehensive Plan Amendment	<D>	<R>	S	W
LDC Text Amendment	<D>	<R>	S	
Rezoning (Zoning Map Amendment) ²	<D> ³	<R>	S	W
Planned Development	<D>	<R>	S	W
Planned Development Minor Amendment	<A>	<D>	S	
Planned Development Administrative Amendment		<A>	D	
Special Exception	<A> / <D> ⁴	<D>	S	W
Bar Special Permit	<D>			
Site Development				
Development Order				
Development Order ⁵	<A>	<D> ⁶	S	W
Minor Change		<A>	D	
Limited Development Order		<A>	D	
Final Plan	<D>	R	S	
Material Alteration of Commercial or Multifamily Building Exterior	<A>	<D> ⁷	S	
Plat Review	D		S	
Vacation of Easement or Right-of-Way	<D>	<R> ⁸	S	
Concurrency				
Certificate of Concurrency			D	

TABLE 2-201: SUMMARY TABLE OF DEVELOPMENT APPLICATIONS A-Appeal D-Decision R-Recommendation S-Staff Review W-Public Information Meeting Required #-Mandatory Pre-application Conference < >-Public Hearing Required				
Review Procedure	Village Council	Planning Zoning and Design Board (PZDB)	Community Development Director	Public Information Meeting ¹
Historic Preservation				
Certificate of Appropriateness	<A>	D ⁹	S	
Permits				
Monument Sign Permit	<A>	<D>	D/S	
Temporary Use Permit		<A>	D	
Tree Removal/Vegetation Permit		<A>	D	
Other Administrative Permit			D	
Building Permit ¹⁰				
Relief				
Zoning Variance	<A> / <D> ¹¹	<D>	S	W
Flood Variance	<D>	<R>		
Deviation				
Deviation with rezoning or PD ¹²	<D>	<R>	S	
Administrative Deviation	<A>		D	
Appeals of Administrative Official ¹³	<A>	<A>	S	
Vested Rights	<D>		S	
Interpretation				
Administrative Interpretation	<A>		D	
NOTES:				
<ol style="list-style-type: none"> 1. Public Information Meetings are conducted by the body with decision authority; however, at the discretion of the Village Manager, a Public Information Meeting for any type of development application may be required and conducted by the Planning Zoning and Design Board (PZDB). 2. This is a quasi-judicial process for a site-specific rezoning (zoning map amendment). 3. For a rezoning (zoning map amendment) of ten acres or more, initiated by the Village, the Village Council is required to conduct two public hearings. 4. A special exception as a part of a rezoning (zoning map amendment) is decided by the Village Council in conjunction with the rezoning. 5. Development orders are decided by the PZDB; limited development orders are decided by the Community Development Director. Staff review of a plat includes input from the Village Professional Surveyor and Mapper and the Village Attorney. 6. The PZDB makes a recommendation if concurrent with an application for rezoning (zoning map amendment). 7. The PZDB decides if requested by the Director. 8. The PZDB makes a recommendation if application is concurrent with a rezoning (zoning map amendment). 9. The PZDB acts as the Historic Preservation Board for purposes of certificates of appropriateness only. 10. A building permit is decided by the Building Official. 11. A variance as a part of a rezoning (zoning map amendment) is decided by the Village Council in conjunction with the rezoning. 12. Deviations as part of a rezoning (zoning map amendment) or Planned Development approval are decided by the Village Council with a recommendation by the PZDB. 13. Appellate body for appeal of an administrative decision will vary according to the decision. See Sec. 2-409. 				

SECTION 2-3. DECISION-MAKING AND ADVISORY BODIES AND PERSONS

2-301. VILLAGE COUNCIL

A. Powers and Duties

In addition to other authority granted to the Village Council by the Florida Constitution and state law, the Village Council has the following powers and duties under this LDC:

1. To review and decide the following:
 - A. Comprehensive plan amendments (Sec. 2-501.A, Comprehensive Plan Amendments);
 - B. LDC text amendments (Sec. 2-501.B, LDC Text Amendments);
 - C. Rezoning (Zoning map amendments) (Sec. 2-501.C, Rezoning (Zoning Map Amendment));
 - D. Planned developments and Amendments thereto (Sec. 2-501.D, Planned Development);
 - E. Special exceptions (as part of a rezoning) (Sec. 2-501.E, Special Exception);
 - F. Zoning variances (as part of a rezoning) (Sec. 2-506.A, Zoning Variance);
 - G. Flood variances (Sec. 2-506.B; Flood Variance);
 - H. Plats (Sec. 2-502.C, Plat Review);
 - I. Vacation of easements, rights-of-way, or plats (Sec. 2-502.D, Vacation of Easement, Right-of-Way, or Plat);
 - J. Vested rights (Sec. 2-506.E, Vested Rights);
 - K. Final plan approvals (Sec. 2-501.F, Final Plan Approval);
 - L. Development agreements; and
 - M. Bar special permits (Sec. 2-501.G, Bar Special Permit)
2. To hear and decide appeals for the following:
 - A. Special exceptions (not part of a rezoning) (Sec. 2-501.E, Special Exception);
 - B. Development orders (Sec. 2-502.A, Development Order);
 - C. Planned development minor amendments (Sec. 2-501.D, Planned Development).
 - D. Zoning variances (Sec 2-506.A, Zoning Variance);
 - E. Appeals of administrative official (Sec. 2-506.D, Appeal of Administrative Official);
 - F. Administrative interpretations (Sec 2-507, Administrative Interpretation);
 - G. Historic preservation certificates of appropriateness (Sec. 2-504, Historic Preservation Certificate of Appropriateness); and
 - H. Any Planning Zoning and Design Board (PZDB) decision on a permit to materially alter an existing commercial or multifamily building or structure exterior (Sec. 2-505.A, Material Alteration of Commercial or Multifamily Building or Structure Exterior Permit).
3. To establish a schedule of fees for the applications for development approval reviewed under this LDC. The schedule of fees may be placed in an Administrative Manual.
4. To appoint and remove members of the PZDB.
5. To take any other action authorized by law.

2-302. PLANNING ZONING AND DESIGN BOARD

A. Generally

1. The Planning Zoning and Design Board (PZDB) is hereby established.
2. Each member of the PZDB shall be appointed by the Village Council to a 3-year term except for the initial terms of the Board upon its creation. The terms shall be staggered such that not fewer than two nor more than three terms shall expire each year. The terms of Board Members shall commence on May 1 and shall expire on April 30. Each member of the PZDB shall serve until the expiration of his or her term. Any member may be reappointed by the Village Council from term to term. The term of the PZDB School Board member shall be for the term specified by the School

Board or, if no term is specified, for the duration of the tenure or employment of the member with the School Board, or until removed by the School Board.

3. Vacancies on the PZDB shall be filled by the Village Council upon the affirmative vote of a majority of the full Village Council membership. The Village Council may remove, with or without cause, any member of the PZDB from office at a public hearing upon the affirmative vote of a majority of the full Village Council membership.
4. The Chairperson of the PZDB shall be appointed by the Village Council. Members of the PZDB shall annually elect, during the first regularly scheduled meeting of each calendar year, a Vice-Chairperson from among its members, and may create and fill other officers as the board deems needed.
5. The PZDB may create whatever subcommittees it deems needed to carry out the purposes of the PZDB. The Chairperson of the PZDB may appoint, as needed, the membership of each subcommittee from the members of the Board.
6. Members of the PZDB shall not be compensated.
7. No PZDB member shall hold any other public office, appointive or elective.
8. The PZDB shall keep minutes of its proceedings, indicating the attendance of each member, and the decision on every question. The Village Clerk shall maintain all records of the PZDB. All meetings of the PZDB shall be open and available to the public in accordance with state law.
9. The Director shall advise and assist the PZDB in all of its deliberations. The Village Manager shall provide such other staff and clerical assistance as the PZDB may require in the performance of its duties, subject to the availability of such staff and clerical assistance as approved by the Village Council. The Village Manager, or a designee, shall make a written recommendation to the PZDB of the action to be taken. The PZDB may call upon any department or other agency of the Village for information or advice in the performance of its work. The PZDB, upon the approval of the Village Council, may accept grants or other monetary or physical assistance to aid in its work.
10. The PZDB may adopt rules of procedure not inconsistent with those adopted by the Village Council, for the conduct of meetings and public hearings and the review of matters before the Board.
11. Final action taken by the PZDB on applications shall be reduced to writing, filed with the Director, and a copy thereof made available to the applicant upon request.

B. Powers and Duties

The PZDB shall have the following powers and duties under this LDC.

1. To make decisions on the following:
 - A. Planned development minor amendments (Sec. 2-501.D, Planned Development)
 - B. Special exceptions (not part of a rezoning) (Sec. 2-501.E, Special Exception);
 - C. Zoning variances (not as part of a zoning map amendment) (Sec. 2-506.A, Zoning Variance);
 - D. Certificates of appropriateness (Sec. 2-504, Historic Preservation Certificate of Appropriateness)
 - E. Development orders and amendments (Sec. 2-502.A, Development Order);
 - F. Monument sign permits (Sec. 2-505.B, Monument Sign Permit); and
 - G. Permits to materially alter the exterior of commercial and multifamily buildings and structures (Sec. 2-505.A, Material Alteration of Commercial or Multifamily Building or Structure Exterior Permit).
2. To review and make recommendations to the Village Council on the following.
 - A. Comprehensive plan amendments (Sec. 2-501.A, Comprehensive Plan Amendments);
 - B. LDC Text amendments (Sec. 2-501.B, LDC Text Amendments);
 - C. Rezoning (zoning map amendments) (Sec. 2-501.C, Rezoning (Zoning Map Amendment));
 - D. Planned developments and amendments (Sec. 2-501.D, Planned Development);
 - E. Vacations of easements and right of ways when associated with a rezoning (Sec. 2-502.D, Vacation of Easement, Right-of-Way, or Plat);
 - F. Deviations to be heard by the Village Council (Sec. 2-506.C.1, Deviation); and

G. Flood variances (Sec. 2-506.B, Flood Variance).

3. Other Powers and Duties

In addition, the PZDB shall have the following powers and duties.

- A. To act as the Local Planning Agency for the Village for the purposes of the Community Planning Act, Sec. 163.3174, Fla. Stat., *et seq.* All of the functions, duties, powers, and responsibilities of a local planning agency as per such statutory provisions are hereby delegated to the PZDB.
- B. In addition to any other public hearings required by law, with respect to all applications for development permits that require comprehensive plan amendments, planned development zoning actions, rezonings, variances, and special exceptions, or other development applications as determined by the Village Manager should be subject to public information meetings, the PZDB shall conduct a public information meeting as provided under Sec. 2-401, Public Information Meeting.
- C. Respond to requests from the Village Manager on matters pertaining to planning and zoning.
- D. Perform such other duties as may be assigned by the Village Council or required by ordinance.

C. Membership

1. The PZDB shall have seven members appointed by the Village Council by affirmative vote of a majority of the full Village Council membership. An additional non-voting, *ex officio* representative of the Lee County School Board may also serve on the PZDB in accordance with state law. The School Board shall notify the Village Clerk in writing within 10 days of the appointment or removal of any member.
2. At least four members of the PZDB appointed by the Village Council shall be residents of the Village. All other members shall either (i) own a business in the Village, (ii) own property in the Village, or (iii) work in the Village. The members of the Board shall have diverse backgrounds, and, wherever possible, prior experience in land use, planning, zoning, legal matters, environmental matters, engineering, architecture, landscape architecture, or building and development. Each member shall be sympathetic to municipal development consonant with the comprehensive plan and with the health, safety, and welfare of its residents. No Board member shall hold any other public office, appointive or elective.

D. Meetings

1. The PZDB shall meet at least once each calendar month, unless canceled by the Board or its chairperson. Special meetings may be called by the Chairperson or by any 3 regular members of the Board. At least seven days' notice shall be provided for any meeting, and an agenda for the meeting shall be available to the public at least seven days prior to the meeting. The Board may meet more often at the call of the Chairperson or the Village Council.
2. Four members in attendance at a meeting shall constitute a quorum.
3. Each decision of the PZDB shall be approved by a majority vote of the members, unless expressly stated otherwise in this LDC.

2-303. COMMUNITY DEVELOPMENT DIRECTOR (DIRECTOR)

A. General

The Village Council has established the Community Development Department as the Village department responsible for the planning functions of the Village, and for administering this LDC. The Community Development Director (Director) serves as the head of the Community Development Department and serves at the direction of the Village Manager.

B. Powers and Duties Under LDC

The Community Development Department, through the Director, has the following general powers and duties under this LDC:

1. To make decisions on the following:
 - A. Limited development orders and amendments (Sec. 2-502.B, Limited Development Order);

- B. Minor changes to development orders (Sec. 2-502.A, Development Order);
 - C. Certificates of concurrency (Sec. 2-503, Certificate of Concurrency);
 - D. Sign permits (except for monument signs) (Sec. 2-505.B, Monument Sign Permit);
 - E. Temporary use permits (Sec. 2-505.C, Temporary Use Permit);
 - F. Tree removal/vegetation permits (Sec. 2-505.D, Tree Removal/Vegetation Permit);
 - G. Administrative deviations (Sec. 2-506.C.2, Administrative Deviation); and
 - H. Administrative interpretations (Sec. 2-507, Administrative Interpretation).
 - I. Other administrative permits (Sec. 2-508, Other Administrative Permits).
2. To compile and maintain an Administrative Manual;
 3. To conduct pre-application conferences in accordance with Sec. 2-402, Pre-application Conference.
 4. To conduct public information meetings (Sec. 2-401, Public Information Meeting);
 5. To prepare a staff report to the Village Council or PZDB, as applicable, for the following applications for development permit:
 - A. Comprehensive plan amendments (Sec. 2-501.A, Comprehensive Plan Amendments);
 - B. LDC Text amendments (Sec. 2-501.B, LDC Text Amendments);
 - C. Rezoning (zoning map amendments) (Sec. 2-501.C, Rezoning (Zoning Map Amendment));
 - D. Planned developments and amendments (Sec. 2-501.D, Planned Development);
 - E. Special exceptions (as part of a map amendment) (Sec. 2-501.E, Special Exception);
 - F. Plats (Sec. 2-502.C, Plat Review);
 - G. Vacation of easements, rights-of-way, or plats (Sec. 2-502.D, Vacation of Easement, Right-of-Way, or Plat);
 - H. Vested rights (Sec. 2-506.E, Vested Rights);
 - I. Final plan approvals (Sec. 2-501.F, Final Plan Approval);
 - J. Bar special permits (Sec. 2-501.G, Bar Special Permit);
 - K. Development orders (Sec. 2-502.A, Development Order);
 - L. Certificates of appropriateness (Sec. 2-504, Historic Preservation Certificate of Appropriateness);
 - M. Floodplain variances (Sec. 2-506.B, Flood Variance);
 - N. Zoning variances (Sec. 2-506.A, Zoning Variance);
 - O. Deviations (Sec. 2-506.C.1, Deviation);
 6. To serve as professional staff liaison to the Village Council, the Planning Zoning and Design Board, and to provide technical assistance, as needed;
 7. To enforce this LDC in accordance with adopted code enforcement procedures (Ordinance 2015-14); and.
 8. To provide such assistance in the conduct of the Village land development regulations and planning programs as directed by the Village Manager.

SECTION 2-4. GENERAL PROCEDURES

This section sets forth the general procedures that generally apply to the review of applications for development permit under this LDC. Each subsection in Section 2-5, Application-Specific Review Procedures And Decision Standards, further identifies for each specific type of application which general procedures are required, including any additions or modifications that apply.

2-401. PUBLIC INFORMATION MEETING

A. Purpose

The purpose of a public information meeting is to educate owners and residents of nearby lands and the Village about an application that is reviewed under this LDC, and to provide the applicant an opportunity to hear comments and concerns about the proposal, and resolve conflicts and

outstanding issues where possible. The public information meeting should be held as early in the process as possible, preferably before formally submitting an application. A public information meeting serves as an opportunity for informal communication between the applicant and owners and residents of nearby land, other residents affected by a development proposal, and the review board.

B. Applicability

A public information meeting is required prior to a completeness determination for any development application under this LDC that is heard by the PZDB.

C. Public Information Meeting Procedure

A public information meeting shall comply with the following requirements:

1. Meeting Location and Time

The public information meeting shall be conducted at a meeting of the PZDB. The Director shall determine the date and time of the public information meeting, in coordination with the applicant.

2. Notification

A. Village Notice

The Village shall post notice of the meeting on the Village website and the Village announcement board a minimum of seven days in advance of the meeting.

B. Posted Notice

1. The applicant shall post notice of the public information meeting on the land subject to the proposal at least 14 days before the date of the meeting, in a form established by the Director.
2. The notice shall state the time and place of the meeting and the purpose of the meeting; include a basic map identifying the land associated with the proposed development; and summarize the general nature of the development proposal, and the type of development permit sought.

3. Conduct of Public Information Meeting

The public information meeting shall be open to the public. At the meeting the applicant shall explain the development proposal, including a detailed overview of the project; discuss the application review process; respond to questions and concerns from the Village staff, PZDB members, and other attendees; and discuss ways to resolve concerns. Questions or comments by PZDB members shall not bind the Board or any member of the Board to approve or disapprove the application when it is reviewed by the Board. The applicant shall make presentation materials available in a digital format that can be electronically displayed at the meeting.

4. Written Summary of Public Information Meeting

After the conclusion of the public information meeting, the applicant shall prepare a written summary of the meeting that includes a list of meeting attendees, a summary of attendee comments and issues raised at the meeting related to the development proposal, and any other information the applicant deems appropriate. The summary shall describe how the applicant will respond to any issues that were raised at the meeting. The meeting summary shall be included with the application materials and be made available to the public for inspection.

2-402. PRE-APPLICATION CONFERENCE

A. Purpose

The purpose of a pre-application conference is to provide an opportunity for:

1. The applicant to determine the submittal requirements and the procedures and standards applicable to an anticipated application for a development permit; and
2. The Director and Village staff to become familiar with, and offer the applicant preliminary comments about the scope, features, and impacts of the proposed development, as it relates to LDC requirements.

B. Applicability

1. Required Pre-application Conference

A pre-application conference between the applicant and the Director and other relevant Village staff shall be held at a time agreed to by the applicant and Director, and before any public information meeting and before submittal of the following applications:

- A. Comprehensive plan amendments (Sec. 2-501.A, Comprehensive Plan Amendments);
- B. Rezoning (zoning map amendments) (Sec. 2-501.C, Rezoning (Zoning Map Amendment));
- C. Planned developments and major amendments (Sec. 2-501.D, Planned Development); and
- D. Development orders and amendments (Sec. 2-502.A, Development Order).

2. Optional Pre-application Conference

A pre-application conference for any other type of application may be requested, in writing, at the option of the applicant, but shall be held before any public information meeting.

C. Pre-application Conference Procedure

1. Submission of Materials Prior to Conference

At least seven business days before a pre-application conference is held, the applicant shall submit to the Director a narrative describing the general nature and scope of the development proposed, a conceptual plan of the proposed development (if appropriate), and any other information requested by the Director.

2. Conference Proceedings

The Director and Village staff, as requested by the Director, shall review the materials submitted by the applicant and at the time of the conference, the Director and appropriate Village staff shall seek any needed clarification from the applicant regarding the proposed application, and identify any concerns, problems, or other factors the applicant should consider regarding the proposed application. Matters discussed at the pre-application conference are a courtesy, for clarification purposes and sharing information, and shall not bind the Director or Village staff to any recommendation.

3. Effect of Conference

- A. The pre-application conference is intended to facilitate the application review process. Discussions at the conference are not binding on the Village, and consequently no final or binding decision is made at a pre-application conference.
- B. A pre-application conference request does not constitute the filing of an application. Processing times for application review do not begin until an application is submitted and determined to be complete in accordance with Sec. 2-403.F, Completeness Determination.

4. Pre-application Conference Waiver

The requirement for a pre-application conference may be waived by the Director if the Director determines there would be no benefits to the applicant or the staff from conducting the pre-application conference.

2-403. DEVELOPMENT APPLICATION SUBMISSION

A. Applications Submitted to Director

All development applications shall be submitted to the Community Development Department.

B. Authority to Submit Applications

1. General

- A. Except where a LDC text amendment or rezoning (zoning map amendment) is initiated by the Village, all development applications shall be submitted by all legal and equitable owner(s) of the land upon which the development is proposed, or the applicant(s)' authorized agent.
- B. All lands within a single application shall be abutting. The Director shall have discretion to allow a single application to cover non-abutting lands where it is in the public interest due to

- the size or scope and nature of the request, and where there is a rational continuity to the properties.
- C. All development applications for land governed by a homeowners' association or a condominium association shall demonstrate proper authorization from the association for the application.
- 2. LDC Text Amendments**
Amendments to the text of the LDC may only be initiated by the Village Council, PZDB; or Village Manager
- 3. Rezoning (Zoning Map Amendments)**
Amendments to the Zoning Map may be initiated by the Village Council, Village Manager; or owner(s) of the land upon which the development is proposed, or their authorized agent as provided in subsection 1 above.
- C. Required Application Contents and Form**
The application contents and form shall be in accordance with requirements established by the Director for the specific type of application, and shall be included in the Administrative Manual. The application shall include, but not be limited to, an affidavit disclosing all equitable and beneficial interests in the property.
- D. Required Application Fees**
Required application fees shall be those established for the specific development application by the Village Council. Application fees may be published in the Administrative Manual. Cost recovery fees may apply, as established by the Village Council. The notice for the required public hearing shall not be published or mailed until all fees are paid. Applications initiated by the Village are not subject to application fees.
- E. Tax and Assessment Payments**
No development orders or plats shall be approved if the ad valorem taxes or assessments against the property are delinquent or if there are outstanding tax certificates issued for the property.
- F. Completeness Determination**
- 1. General**
Upon receipt of an application, the Director shall distribute the application to all appropriate Village staff and departments, and other review agencies for review and comment regarding completeness. The Director shall determine if the application is complete for review. The applicant shall ensure that an application is accurate and complete. Any additional expenses necessitated because of inaccurate or incomplete information shall be borne by the applicant. A complete application is one that:
- A. Contains all contents required for the particular type of application in accordance with Sec. 2-403.C, Required Application Contents and Form.
 - B. Is in the form required for the particular type of application in accordance with Sec. 2-403.C, Required Application Contents and Form.
 - C. Includes information in sufficient detail to allow an evaluation of the application to determine whether it complies with the appropriate review standards of this LDC.
 - D. Is accompanied by the fee established for the particular type of application in accordance with Sec. 2-403.D, Required Application Fees.
- 2. Application Incomplete**
If the Director determines that the application is incomplete, the Director shall send written notice to the applicant of the application's deficiencies, electronically or by mail, within 30 days of receipt of the application, and review of the application shall not proceed. The applicant, within 30 days, may correct the deficiencies and resubmit the application for completeness determination. If the applicant fails to correct the deficiencies within 30 days, the application will be deemed to be withdrawn, unless prior to the 30 days the applicant requests an extension and the Director subsequently agrees to an extension.

3. *Application Complete*

If the application is determined to be complete, it shall be reviewed in accordance with the applicable procedures and standards in this LDC. Any established time frame for review of the application shall start on the date the application is determined to be complete. The applicant and the Director may agree to an extension of time if requested prior to the expiration of any time frame.

G. Simultaneous Processing of Applications

Whenever two or more forms of review and approval are required under the LDC, the applications for those development approvals or permits may, at the discretion of the Director, be processed simultaneously, so long as all applicable Village requirements are satisfied. Simultaneous processing of applications may result in additional fees to the applicant. The Director's decision regarding simultaneous processing is not appealable.

H. Code Violation

An application for development permit for a land that is subject to a code violation notice shall not be processed until the code violation has been resolved, except for an application to resolve the code violation.

2-404. STAFF REVIEW AND ACTION

A. Applicability

This subsection applies to any review of, recommendation on, or decision on an application by the Director after the application is determined to be complete.

B. Staff Review and Opportunity to Revise Application

1. Upon receipt, the Director shall distribute the application to all appropriate Village staff and departments, and other review agencies for review and comment.
2. The Village staff authorized to decide or provide staff review on the application in accordance with Table 2-201: Summary Table of Development Applications, shall review the application, any relevant support material, and any comments or recommendations from the appropriate Village staff and departments, and other review agencies. If deficiencies in complying with the applicable standards of the LDC are identified, the authorized decision-maker shall notify the applicant of such deficiencies in accordance with Sec. 2-403, Development Application Submission.
3. When reviewing an application for a development permit that is certified by a professional listed in Sec. 403.0877, Fla. Stat., the Village may not request additional information from the applicant more than three times, except as in accordance with Sec.166.033, Fla. Stat.

C. Application Subject to Review or Recommendation by Staff

1. If an application is subject to staff review or recommendation by the Director in accordance with Table 2-201: Summary Table of Development Applications, the Director shall, following completion of staff review, prepare a summary of staff review comments that addresses the application's compliance with applicable review standards and recommends action on the application, including any recommended conditions of approval.
2. After completion of the staff review comments, the Director shall transmit the application and staff report to the appropriate advisory or decision-making body in accordance with Table 2-201: Summary Table of Development Applications, and provide the applicant a copy of the staff report.

D. Application Subject to Decision by Staff

If an application is subject to a final decision by the Village staff, following completion of authorized staff review, the decision-maker shall provide written notice of the decision to the applicant. The decision shall be made within 120 days of the determination that the application is complete, unless the applicant and the decision-maker agree to extend the timeframe beyond 120 days. An approval, approval with conditions, or denial of the application shall include written findings supporting the decision.

2-405. SCHEDULING OF PUBLIC HEARING AND PUBLIC NOTIFICATION

A. Public Hearing Scheduling

1. Table 2-405.A: Required Public Hearings, identifies the types of applications that require public hearing(s) under the LDC, the review bodies responsible for conducting those public hearing(s), and the type of required public hearing (standard or quasi-judicial). An appeal of a decision made at a quasi-judicial hearing shall be conducted as a *de novo* quasi-judicial hearing. Public hearings for all amendments to approved applications, except for those reviewed and approved administratively, are conducted as the same type of hearing as for the original approved application.

TABLE 2-405.A: REQUIRED PUBLIC HEARINGS		
S: STANDARD PUBLIC HEARING Q: QUASI-JUDICIAL PUBLIC HEARING		
QA: QUASI-JUDICIAL APPEAL SA: STANDARD APPEAL		
Procedure	Board Conducting Public Hearing	
	Village Council	Planning Zoning and Design Board (PZDB)
Discretionary Approvals		
Comprehensive Plan Amendment	S	S
LDC Text Amendment	S	S
Rezoning (Zoning Map Amendment)	Q	Q
Planned Development	Q	Q
Planned Development Minor Amendment	QA	Q
Special Exception	QA, Q ¹	Q
Bar Special Permit	Q	
Site Development and Platting		
Development Order		
Development Order Amendment	QA	Q
Limited Development Order		QA
Final Plan	Q	
Material alteration of commercial or multifamily building exterior		Q
Plat Review	S	
Vacation of Easement, Right-of-Way, or Plat	S	
Historic Preservation		
Certificate of Appropriateness	QA	Q
Permits		
Monument Sign Permit	QA	Q ²
Relief		
Variance		
Zoning Variance	Q ³	Q
Flood Variance	Q	Q
Deviation	QA, Q ⁴	Q
Appeal of Administrative Official ⁵	QA	QA
Vested Rights	Q	
Administrative Interpretation	SA	

TABLE 2-405.A: REQUIRED PUBLIC HEARINGS		
S: STANDARD PUBLIC HEARING Q: QUASI-JUDICIAL PUBLIC HEARING QA: QUASI-JUDICIAL APPEAL SA: STANDARD APPEAL		
Procedure	Board Conducting Public Hearing	
	Village Council	Planning Zoning and Design Board (PZDB)
NOTES		
<ol style="list-style-type: none"> 1. A special exception as a part of a rezoning (zoning map amendment) is decided by the Village Council in conjunction with the rezoning. 2. PZDB authority is for a monument sign permit only. 3. A variance requested as a part of a rezoning (zoning map amendment) is decided by the Village Council in conjunction with the rezoning. 4. A deviation requested as a part of a rezoning (zoning map amendment) is decided by the Village Council in conjunction with the rezoning. 5. Appeals of administrative official decisions may be to the Village Council or to the PZDB as set out in Sec. 2-409, Post Decision-Making Actions. 		

2. The Director shall ensure that the required public hearing on the application is scheduled for a regularly scheduled meeting of the body conducting the hearing or a meeting specially called for that purpose by such body.
3. The public hearing on the application shall be scheduled so there is sufficient time for any required staff report to be prepared and distributed in accordance with Sec. 2-404.C, Application Subject to Review or Recommendation by Staff, for public notification in accordance with this subsection, and to meet statutory requirements.

B. Public Notification

Notification of a public hearing on an application shall be as required by the Florida Statutes, and as when the Village is more restrictive, and as shown in Table 2-405.B: Summary of Public Notification Requirements, below. All applications that are subject to public hearings, whether or not listed in Table 2-405.B shall be noticed by posting the agenda of the meeting at which the public hearing will take place on the Village notice board and the Village website, noting the item to be heard. Computation of the required time periods shall be in accordance with Sec. 10-104, Computation of Time. Failure to provide the notification required below shall not affect any actions or proceedings under this LDC unless such notice is required by state statute.

TABLE 2-405.B: SUMMARY OF PUBLIC NOTIFICATION REQUIREMENTS			
Application Type	Notice Required		
	Published	Mailed	Posted
Discretionary Approvals			
Comprehensive Plan Amendment	Publish notice of PZDB public hearing in a newspaper of general circulation at least ten calendar days before the hearing. Publish notice of first Village Council hearing in a newspaper of general circulation at least seven calendar days before first hearing. Publish notice of second Village Council public hearing in a newspaper of general circulation at least five days before hearing.	For Plan map amendment, mail notice of public hearing at least 14 calendar days before PZDB hearing and Village Council first hearing.	For Plan map amendment, post notice of public hearing at least 14 calendar days before first hearing of PZDB.

TABLE 2-405.B: SUMMARY OF PUBLIC NOTIFICATION REQUIREMENTS			
Application Type	Notice Required		
	Published	Mailed	Posted
Land Development Code Text Amendment (General)	Publish notice of public hearing in a newspaper of general circulation at least ten calendar days before hearings of Village Council.	None	None
Village initiated Site-Specific Rezoning (Zoning Map Amendments), (including Planned Development) involving less than 10 contiguous acres	Publish notice of public hearing in a newspaper of general circulation at least 10 calendar days before Village Council hearing.	Mail notice of public hearing at least 30 calendar days before first Village Council hearing to all property owners whose property will be rezoned.	Post notice of public hearing on site or adjacent thereto at least 14 calendar days before first hearing of PZDB.
Village initiated General Amendment and Site-Specific Rezoning (Zoning Map Amendment, including Planned Development) involving 10 contiguous acres or more, and Zoning Text Amendment to revise listed uses	<p>Publish notice of PZDB public hearing in a newspaper of general circulation at least ten calendar days before the hearing.</p> <p>Publish notice of first Village Council hearing in a newspaper of general circulation at least seven calendar days before first hearing.</p> <p>Publish notice of second Village Council public hearing in a newspaper of general circulation at least five calendar days before hearing.</p>	Mail notice of public hearing at least 14 calendar days before PZDB hearing and Village Council first hearing.	Post notice of public hearing on site at least 14 calendar days before PZDB hearing.
General, Site-Specific Rezoning (Zoning Map Amendment including Planned Development) initiated by any person other than the Village	Publish notice of public hearing in a newspaper of general circulation at least ten calendar days before Village Council adoption hearing.	Applicant mails notice of public hearing at least 14 calendar days before PZDB and Village Council hearings.	Applicant posts notice of public hearing on site at least 14 calendar days before PZDB hearing.
Special Exception	.	Applicant mails notice of public hearing at least 14 calendar days before PZDB hearing.	Applicant posts notice of public hearing on site at least 14 calendar days before PZDB hearing.
Development Order		Applicant mails notice of public hearing at least 14 calendar days before PZDB hearing.	Applicant posts notice of public hearing at least 14 calendar days before PZDB hearing.

TABLE 2-405.B: SUMMARY OF PUBLIC NOTIFICATION REQUIREMENTS			
Application Type	Notice Required		
	Published	Mailed	Posted
Certificate of Appropriateness		Applicant mails notice of public hearing at least 14 calendar days before PZDB hearing.	Applicant posts notice of public hearing at least 14 calendar days before PZDB hearing.
Vacation of Right-of-Way	Comply with the timing and content requirements of Sec. 177.101, Fla. Stat. as may be amended from time to time		
Relief			
Zoning Variance		Applicant mails notice of public hearing at least 14 calendar days before PZDB hearing.	Applicant posts notice of public hearing on site at least 14 calendar days before PZDB hearing.
Flood Variance		Applicant mails notice of public hearing at least 14 calendar days before PZDB hearing and Village Council hearing.	Applicant posts notice of public hearing on site at least 14 calendar days before PZDB hearing.
Appeal of PZDB or PZDB decision²		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.			

C. Public Notice Requirements

1. Published Notice Requirements

- A. The applicant shall cause a required published notice of a public hearing on an application to be prepared and published in a newspaper having general circulation in the Village. In the case of Village initiated applications, the Village shall be responsible for published notice.
- B. Where a published notice is required in accordance with Ch. 166, Fla. Stat., the size and format of the notice shall comply with the requirements of the statute.
- C. The applicant shall provide proof of publication prior to the public hearing. Failure to timely provide such proof of notice may, at the discretion of the Director, result in continuance of the hearing and the need to re-notice the continued hearing.

2. Mailed Notice Requirements

- A. The applicant shall mail required notice of a public hearing on an application by first class mail, return receipt requested, to the following:
 - 1. Owner(s) of land subject to the application (if other than the applicant);
 - 2. Owners of real property within 750 feet of the property boundary of the land subject to an application, except for Development Orders which require mailed notice to owners within 500 feet; and

3. Organizations and persons who have registered to receive notification of development applications subject to public hearings in accordance with Sec. 2-405.C.8, Registration to Receive Notice by Mail.
 - B. The owner names and addresses used to mail required notice to owners of neighboring property shall be those shown on the current ad valorem tax rolls of Lee County.
 3. *Posted Notice Requirements*
 - A. The applicant shall place a required posted notice on the land subject to the application, at a location adjacent to each abutting street that is clearly visible to traffic along the street. If no part of the subject land abuts a street, then the notice shall be posted in the right-of-way of the nearest street, and in a manner consistent with the intent of the provisions of the LDC.
 - B. Posted notice shall be in a manner established by the Director:
 1. The applicant shall ensure that posted notice is maintained in place until after a final decision on the subject application is rendered by the decision-making body.
 2. The posted notice shall be removed by the applicant within 14 days after a final decision on the application is rendered by the decision-making body.
 4. *Notice Content*

Required public notice shall, at a minimum:

 - A. Identify the application;
 - B. Describe the nature and scope of the proposed development or action;
 - C. Identify the location of land subject to the application (not applicable to notices posted on the subject property);
 - D. Identify the date, time, and location of the public hearing(s) being noticed;
 - E. Indicate how and where written comments on the application may be submitted before the hearing;
 - F. Indicate how and where additional information about the application and review process may be obtained;
 - G. If a comprehensive plan amendment or a LDC text amendment, describe the location and content of the language to be amended, without the necessity of providing the exact language of the amendment; and
 - H. Comply with any other notice content requirements established by state law.
 5. *Affidavit of Notice*

The applicant shall sign an affidavit affirming that any required published, mailed, or posted notices of a public hearing for which they are responsible for providing were provided in accordance with the requirements of this subsection and state law. The affidavit, along with any documentation proving compliance with notice requirements, shall be submitted to the Director no later than ten days before the hearing date. The affidavit shall be in a form established by the Director and may be contained in the Administrative Manual. An application that does not comply with this subsection will not be placed on the agenda or heard at the requested hearing.
 6. *Availability of Hearing Notice for Public Inspection*

The Director shall keep a copy of the required published and mailed notices of a public hearing and make them available for inspection by the public during normal business hours.
 7. *Responsibility for Cost of Notice*

The applicant shall be responsible for all costs of providing required notices.
 8. *Registration to Receive Notice by Mail*

Any person in the Village may register with the Village Clerk to receive mailed written notice of all applications subject to public hearings in accordance with Sec. 2-405.C.2, Mailed Notice Requirements. To be eligible for registration, the person shall provide the Clerk information in a form established by the Clerk, along with a fee to defray registration and mailing costs. To continue to receive such notice, a person shall reregister the earlier of two years (biennially), or when the mailing address has changed.

2-406. DEFERRAL OF PUBLIC HEARING

A. Before Public Hearing Notice

If an application is subject to a public hearing and required notice of the hearing has not yet been provided, the applicant may submit a written request to the Director to defer the public hearing. The Director may grant the request to defer consideration of the application, for good cause.

B. After Public Hearing Notice

If an application is subject to a public hearing and required notice of the hearing has already been provided, the applicant may request that the hearing be deferred by submitting a written request for deferral to the Director. The body scheduled to hold the hearing may grant the request for good cause, or if finding no good cause for deferral, may proceed to hold the hearing. If the body grants the request for deferral, it shall concurrently set a new hearing date for the application. If a deferral is granted, the application may be subject to additional application fees to defray the additional costs of processing the application.

2-407. PUBLIC HEARING PROCEDURES

If the application is subject to a public hearing by an advisory or decision-making body (see Table 2-405.A: Required Public Hearings), the advisory or decision-making body shall hold the public hearing in accordance with procedures established by the Village Council Rules of Procedure or the Board's Rules of Procedure. Standard public hearing procedures are those applicable in those cases that are not required by law to be held in accordance with quasi-judicial procedures.

2-408. DECISION-MAKING BODY REVIEW AND DECISION

A. Review and Decision

All development applications requiring public hearing shall be decided within 180 days from determination that the application is complete, unless the time is extended by agreement between the applicant and the Village. All other applications shall be decided within 120 days from determination that the application is complete, unless the time is extended by agreement between the applicant and the Village. A decision shall take the form of an approval, approval with conditions, or denial, and shall include written findings supporting the decision. Any decision of denial is with prejudice unless otherwise specified by the decision-making body.

B. Written Notice

After a final decision on an application, the Director shall provide the applicant written notice of the decision and make a copy of the decision available to the public. If the decision is a denial, the Village shall include a citation to the applicable portions of this LDC, an ordinance, rule, statute, or other legal authority for the denial of the permit.

C. Effect of Approval

Approval of an application in accordance with the LDC authorizes only the particular use, plan, or other specific activity approved, and not any other development requiring separate application and approval. In the event that one development approval is a prerequisite to another development approval (e.g., variance approval prior to a plan approval), development may not take place until all required approvals or permits are obtained. Approval of one development application does not guarantee approval of any subsequent development application. A development approval automatically revokes existing development approvals of the same type for the property, unless otherwise indicated in the development approval.

D. Lapse of Development Approval

1. Development approval granted after the effective date of this LDC shall expire as provided in Section 2-5, Application-Specific Review Procedures And Decision Standards, for each type of application, except rezonings (zoning map amendments), variances, and comprehensive plan approvals shall not expire. If no expiration period is provided for the specific type of development approval, and if no expiration period is imposed as part of the approval by the decision-making body, the development approval shall expire if an approved permit authorizing the approved development is not obtained within two years.

2. Unless otherwise provided by this LDC, a one-year extension of the expiration time period for a specific development approval may be granted by the decision-making body that granted the development approval upon the applicant's submission of a written request for extension to the Director before the expiration date, and a showing of good cause.

E. Modification of Development Approval

Except as otherwise provided in Section 2-5, Application-Specific Review Procedures And Decision Standards, for the particular type of application, any modifications of a development approval shall require a new application for a modification to the development approval. Modifications shall be submitted and reviewed in accordance with the procedures for its original approval, unless otherwise allowed by this LDC. The standards for approval in the LDC at the time the modification decision is made shall apply.

2-409. POST DECISION-MAKING ACTIONS

A. Appeal

1. *Appeal of Planning Zoning and Design Board Decision*

Any party aggrieved by a decision of the PZDB shall, prior to seeking judicial review, file with the Village Clerk within 30 days from the vote of the Board, an application for appeal to the Village Council in a form as may be provided in the Administrative Manual, and pay an appeal fee. Additionally, the Village Manager or a designee may file an application for appeal with the Village Clerk within 30 days from the Board's decision. Further, the Village Council may, within 30 days from the Board's decision, decide to take jurisdiction of the decision and rehear the application. Neither the Village Manager nor the Village Council shall be required to pay an appeal fee. Upon the filing of a notice of appeal or upon the Village Council taking jurisdiction, the Village Council shall, as soon as is reasonably practicable, hold a public hearing upon the matter and shall affirm, reverse, or affirm with modifications the decision of the Board. The hearing shall be conducted as a *de novo* hearing. Any person may speak at the appeal hearing, without the need of having appeared in the proceedings below.

2. *Appeal of Director Decision*

Any applicant aggrieved by a decision of the Director in regard to an administrative interpretation shall, prior to seeking judicial review and within 30 days from the written decision, file an application for appeal to the Village Council in a form as may be provided in the Administrative Manual with the appeal fee. Upon the filing of an application for appeal, the Village Council shall, as soon as is reasonably practicable, hold a public hearing upon the matter and shall affirm, reverse, or affirm with modifications the decision of the staff. The hearing shall be conducted as a *de novo* hearing. An appeal of a decision by the Director on a limited development order, minor change to a development order, administrative amendment to a planned development, tree removal/vegetation permit or sign permit shall be made within 30 days of the written decision to the PZDB, by filing an application for appeal in a form as may be provided in the Administrative Manual and with the appeal fee. The PZDB, as soon as practicable, shall hear the appeal in a *de novo* hearing, and shall affirm, reverse, or affirm with modifications the Director's decision.

3. *Appeal of Village Council Decision*

A party aggrieved or adversely affected by any Village Council decision for which no further administrative review procedure is provided by the LDC may seek review of the decision in the courts in accordance with applicable state law.

B. Limit on Subsequent Similar Applications

1. *Prior Application Denial*

- A. If an application requiring a public hearing is denied, no application proposing the same or similar development on all or part of the same land shall be submitted within one year after the date of denial unless the decision-making body waives this time limit in accordance with subsection B.1 below.
- B. The owner of land subject to the time limit provided in subsection A above, or the owner's authorized agent, may submit a written request for waiver of the time limit to the Director, who may grant a waiver if the owner or agent has demonstrated that:

1. There is a substantial change in circumstances relevant to the issues or facts considered during review of the prior application that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed in the new application; or
 2. New or additional information is available that was not available at the time of review of the prior application and that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed in the new application; or
 3. The new application proposed to be submitted is materially different from the prior application; or
 4. The final decision on the prior application was based on a material mistake of fact.
2. *Prior Application Withdrawal*

If an application requiring a public hearing is withdrawn after required notice of the public hearing is provided, no application proposing the same or similar development on all or part of the same land shall be submitted earlier than six months after the date of withdrawal.

SECTION 2-5. APPLICATION-SPECIFIC REVIEW PROCEDURES AND DECISION STANDARDS

This section establishes, for each type of application under the LDC, the specific review procedure and decision standards that apply, in accordance with Table 2-201: Summary Table of Development Applications. The following sections identify, for each type of development application, in what situations application approval is necessary; applicable modifications of or additions to the standard procedures in Section 2-4, General Procedures, that are required; and the standards for making a decision on the application.

2-501. DISCRETIONARY APPROVALS

A. Comprehensive Plan Amendments

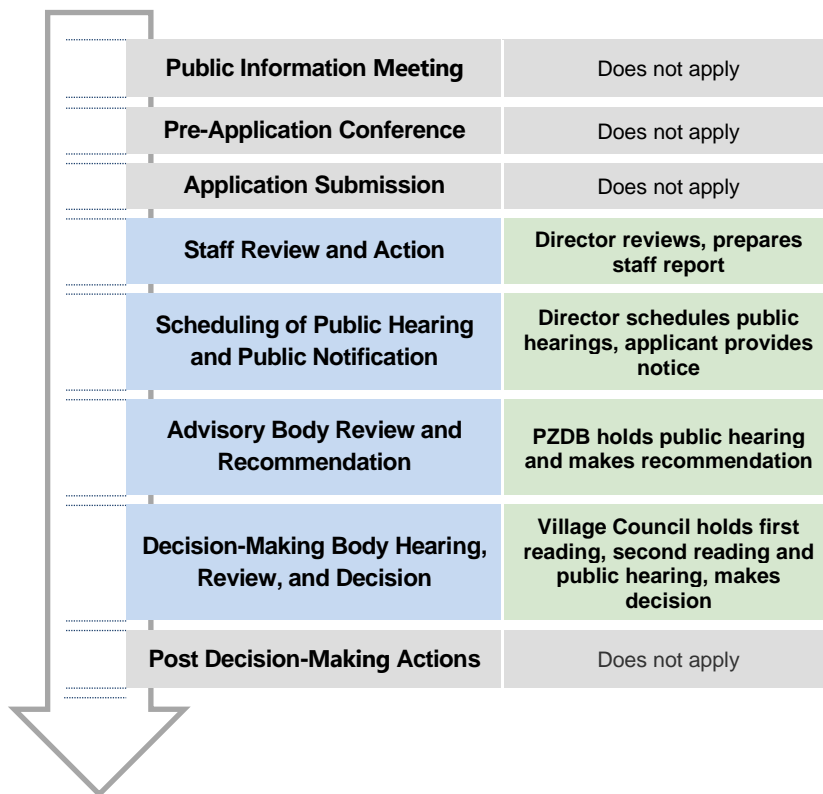
Comprehensive Plan Amendments shall follow the procedures and standards as set out in Sec. 166.3164, *et seq.*, Fla. Stat., the Community Planning Act.

B. LDC Text Amendments

1. LDC Text Amendment Procedure

Figure 2-501.B.1 identifies key steps in the text amendment procedure. This section identifies additions or modifications to the general review procedures in Section 2-4, General Procedures, that applies to LDC text amendments.

Figure 2-501.B.1: LDC Text Amendment Procedure Flowchart



2. LDC Text Amendment Review Standards

The advisability of amending the text of the LDC is a matter committed to the legislative discretion of the Village Council and is not controlled by any one factor. In determining whether to adopt or deny the proposed text amendment, the Village Council shall weigh the relevance of and consider whether and the extent to which the proposed amendment:

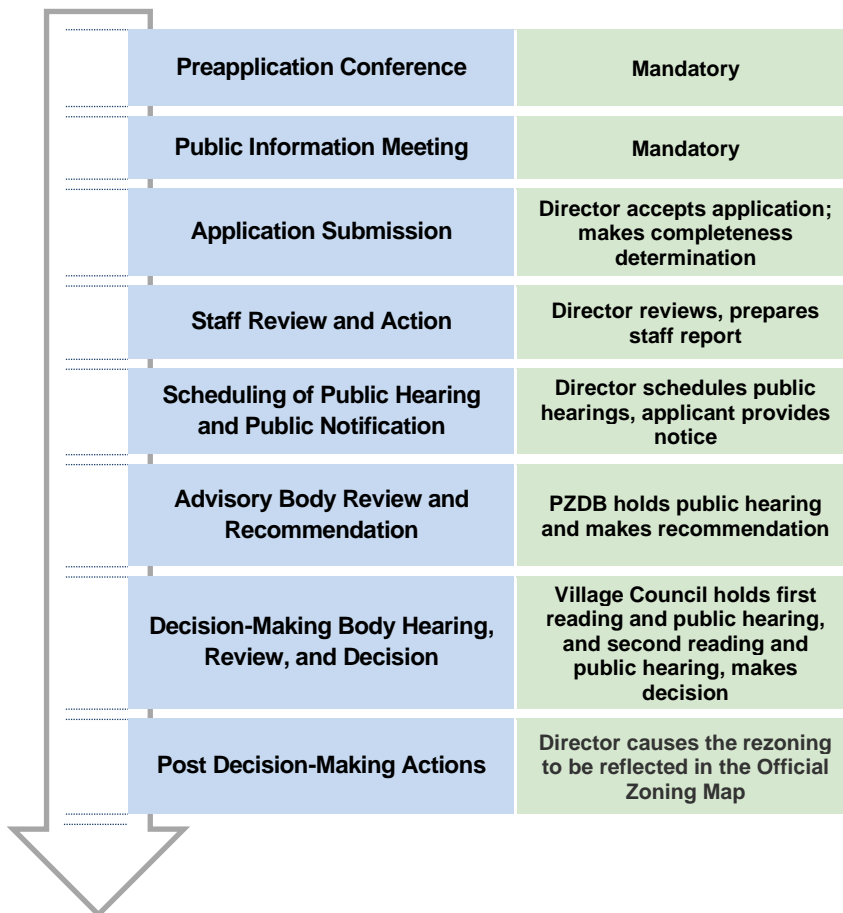
- A. Is consistent with the comprehensive plan;
- B. Is required by state or federal law;
- C. Is in conflict with any provision of this LDC and the Village’s Code of Ordinances;
- D. Is required by changed conditions;
- E. Addresses a demonstrated community need;
- F. Is consistent with the purpose and intent of the zoning districts, or would improve compatibility among uses;
- G. Would result in a logical and orderly development pattern;
- H. Would result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment; and
- I. Would adversely impact the availability of public facilities to accommodate new growth and development.

C. Rezoning (Zoning Map Amendment)

1. Rezoning (Zoning Map Amendment) Procedure

Figure 2-501.C.1 identifies key steps in the rezoning procedure for applications not initiated by the Village.

Figure 2-501.C.1: Rezoning (Zoning Map Amendment) Procedure Flowchart



2. Rezoning (Zoning Map Amendment) Review Standards

Amendments to the Official Zoning Map are subject to quasi-judicial review by the Village Council and constitute the implementation of the general land use policies established in this LDC and the comprehensive plan. In determining whether to adopt or deny a proposed rezoning (zoning map amendment), the Village Council shall consider:

- A. Whether the applicant has provided, as part of the record of the public hearing(s) on the application, competent substantial evidence that the proposed amendment:
 - 1. Is consistent with and furthers the goals, objectives, and policies of the comprehensive plan and all other applicable Village-adopted plans;
 - 2. Is not in conflict with any portion of the LDC;
 - 3. Addresses a demonstrated community need;
 - 4. Is compatible with existing and proposed uses surrounding the subject land, and is the appropriate zoning district for the land;
 - 5. Would result in a logical and orderly development pattern;
 - 6. Would not adversely affect the property values in the area;
 - 7. Would result in development that is adequately served by public facilities (roads, potable water, wastewater, solid waste, storm water, schools, parks, police, and fire and emergency medical facilities);
 - 8. Would not result in significantly adverse impacts on the natural environment—including, but not limited to, water, air, noise, storm water management, wildlife, vegetation, wetlands, environmentally critical areas, and the natural functioning of the environment;
 - 9. Is compatible with existing or planned uses in the surrounding area

- B. If the applicant demonstrates that the proposed amendment meets the criteria in subsection A above, whether the current zoning district designation accomplishes a legitimate public purpose.

D. Planned Development

1. Generally

- A. Planned developments are amendments to the Official Zoning Map that are planned and developed under unified ownership or control and that allow for flexible standards and procedures that are conducive to creating more mixed-use, pedestrian-oriented, and otherwise higher quality development, as well as community benefits and amenities, than could be achieved through base zoning district regulations.
- B. A planned development is established by amendment of the Official Zoning Map to rezone land to a planned development zoning district that is further defined by an incorporated PD Master Concept Plan. Subsequent development within the PD district occurs through the approval of a development order, and other appropriate or necessary approvals such as a limited development order, and plat review, which shall be in compliance with the PD Master Concept Plan.

2. Planned Development Procedure

- A. Figure 2-501.D.2 identifies key steps in the planned development procedure. Further application requirements are detailed in the Administrative Manual.

Figure 2-501.D.2: Planned Development Rezoning Procedure Flowchart



- B. After approval of a PD, the Director shall cause the rezoning to be reflected in the Official Zoning Map, and the applicant shall record a notice of the Master Concept approval in the official records of Lee County.
- C. Lands rezoned to a PD zoning district shall be subject to the approved PD Master Concept Plan and any conditions of approval. No variances may be granted in a PD. The PD Master Concept Plan is binding on the land as an amendment to the Official Zoning Map. The PD Master Concept Plan shall be binding on the landowners and their successors and assigns,

- and shall constitute the development regulations for the land. Development of the land shall be limited to the uses, intensity and density, configuration, and all other elements and conditions set forth in the PD Master Concept Plan, and any conditions of approval. The applicant may apply for and obtain subsequent development approvals necessary to implement the PD Master Concept Plan in accordance with the appropriate procedures and standards set forth in the LDC. Any subsequent development approvals shall be in substantial compliance with the PD Master Concept Plan.
- D. Approval of the rezoning of land to a PD zoning district does not expire, except approval of the PD Master Concept Plan shall automatically expire if no application for a development order, limited development order, or plat for at least 50 percent of the development described by the approved PD Master Concept Plan is approved within five years after approval of the PD district. If a PD Master Concept Plan lapses, the owner of the PD-zoned land may apply to the Village to reinstate the Master Concept Plan one time for no longer than two years, to approve a new PD with a new Master Concept Plan, or to reclassify the site to another base district.
- E. Subsequent applications for a development approval or permit within an approved PD district may include minor amendments to the PD Master Concept Plan without the need for Village Council review and approval. The PZDB is authorized to review and decide whether to approve, approve with conditions, or deny minor amendments. The minor amendments shall include only the changes that do not increase height or density, do not change uses, and do not change the conditions of approval.
- F. Subsequent applications for a development approval or permit within an approved PD district may include administrative amendments to the PD Master Concept Plan, without the need to amend the PD Master Concept Plan, provided such deviations do not include changes to height, density, or intensity, and are limited to changes that the Director determines:
1. Address technical considerations that could not reasonably be anticipated during the planned development approval process; and
 2. Have no material effect on the character of the approved PD district, and the basic concept and terms of the PD Master Concept Plan. These may include, but are not limited to, the following:
 - (a) Structural alterations that do not significantly affect the basic size, form, style, and appearance of principal structures;
 - (b) Minor changes in the location and configuration of streets and driveways that do not adversely affect vehicular access and circulation on or off the site of the change;
 - (c) Minor changes in the location or configuration of buildings, parking areas, landscaping, or other site features;
 - (d) Minor changes in the location and configuration of public infrastructure facilities that do not have a significant impact on the Village's utility and storm water management systems;
 - (e) Increases of five percent or less in the total number of parking spaces;
 - (f) Do not reduce total open space or indigenous native vegetation required by the LDC;
 - (g) Do not reduce the total area or quality of vegetative buffers or landscaping; and
 - (h) Do not adversely impact surrounding land uses.
- G. If a proposed amendment is neither a minor amendment nor an administrative amendment, a development approval for a PD district and PD Master Concept Plan may be amended only in accordance with the procedures and standards for its original approval.

E. Special Exception

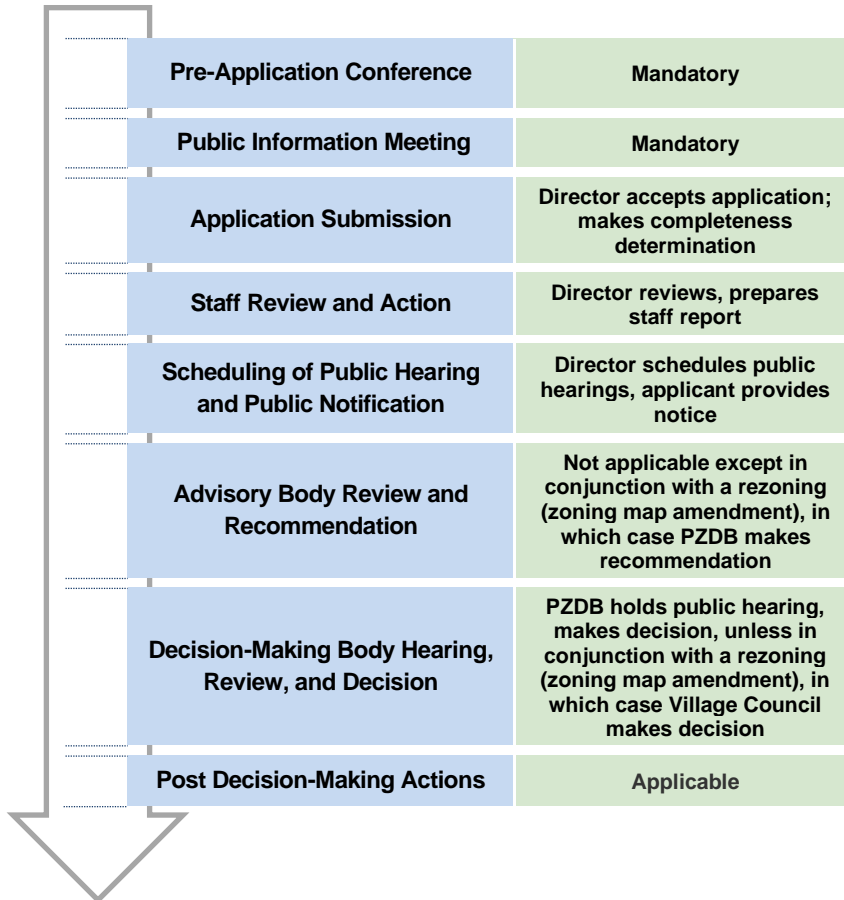
1. Generally

A use designated as a special exception in a Principal Use Table for a particular zoning district is a use that may be appropriate in the district, but because of its nature, extent, and external effects, requires special consideration of its location, design, and methods of operation before it can be deemed appropriate in the district and compatible with its surroundings.

2. *Special Exception Procedure*

Figure 2-501.E.2 identifies key steps in the special exception procedure, with noted modification from the general procedures.

Figure 2-501.E.2: Special Exception Procedure Flowchart



A. *Decision-Making Body Hearing, Review and Recommendation*

When an application for a special exception is not being considered in conjunction with a zoning map amendment, the PZDB reviews the application at a quasi-judicial hearing and makes a decision based on the review standards in Sec. 2-501.E.3, Special Exception Review Standards. When an application for a special exception is being considered in conjunction with a zoning map amendment, the PZDB shall review and make a recommendation to the Village Council at a quasi-judicial hearing. The amendment and special exception then shall be decided by the Village Council at a quasi-judicial hearing. The decision-making body shall make a decision based on the review standards in Sec. 2-501.E.3, Special Exception Review Standards.

B. *Post Decision-Making Action*

1. An approval of a special exception authorizes the submittal of any other applications that may be required before the development authorized by the special exception permit is constructed or established.
2. An approval of a special exception shall automatically expire if the use authorized by the special exception is not established or substantially commenced within two years after the date of the special exception approval, unless an extension of this time period is authorized in accordance with Sec. 2-408.D, Lapse of Development Approval.
3. A special exception approval shall automatically expire if the use is discontinued and not resumed for a period of one year.
4. All other modifications of special exception approval may be amended only in accordance with the procedures and standards for its original approval.

3. *Special Exception Review Standards*

A special exception shall be approved only on a finding there is competent substantial evidence in the record that the proposed special exception use:

- A. Will be consistent with the goals, objectives, and policies of the comprehensive plan;
- B. Will comply with all applicable zoning district standards;
- C. Will comply with all standards in Chapter 4: Use Specific Standards;
- D. Will be appropriate for its location and is compatible with the general character of surrounding lands and the uses permitted in the zoning district;
- E. Will adequately screen, buffer, or otherwise minimize adverse visual impacts on adjacent lands;
- F. Will ensure that no site lighting source shall negatively impact adjacent properties and rights-of-way;
- G. Will maintain safe and convenient ingress and egress and traffic flow onto and through the site by vehicles and pedestrians, and safe road conditions around the site;
- H. Will avoid significant adverse odor, noise, glare, and vibration impacts on surrounding lands regarding refuse collection, service delivery, parking and loading, signs, lighting, and other site elements;
- I. Will not have an adverse impact on land values and the ability of neighboring lands to develop uses permitted in the zoning district;
- J. Will avoid significant deterioration of water and air resources, scenic resources, and other natural resources;
- K. Will not overburden existing public facilities and services, including, but not limited to, streets and other transportation facilities, schools, potable water facilities, sewage disposal, storm water management, and police and fire protection facilities; and
- L. Will comply with all other relevant Village, state, and federal laws and regulations.

F. Final Plan Approval

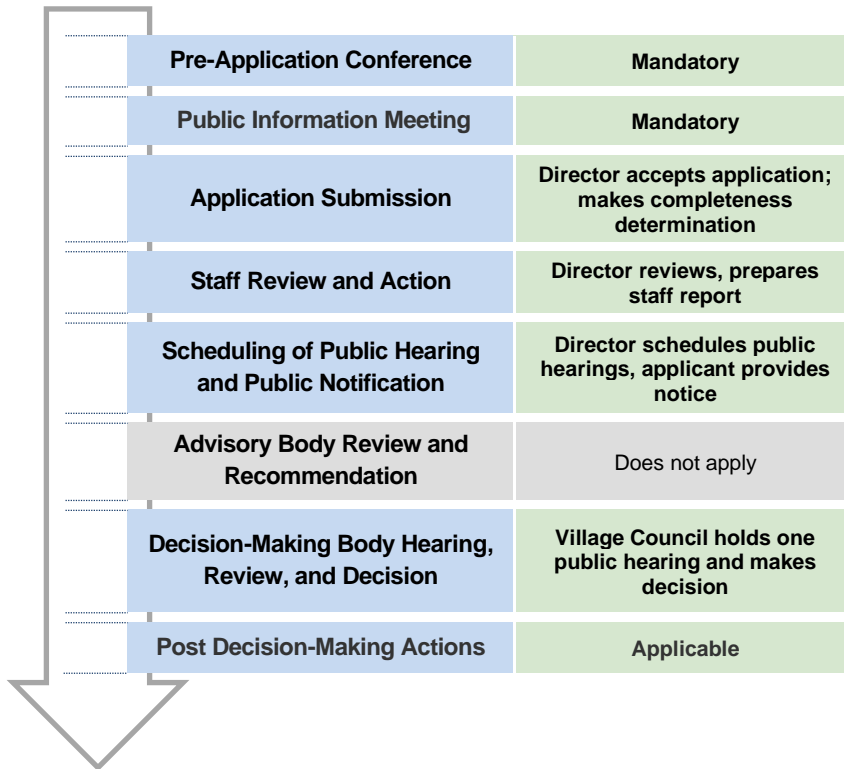
1. *Generally*

Final Plan Approval shall be obtained when required by a County zoning resolution.

2. *Final Plan Approval Procedure*

Figure 2-501.F.2 identifies the key steps in the Final Plan Approval procedure, with noted modifications from the general procedures.

Figure 2-501.F.2: Final Plan Approval Procedure Flowchart



A. Decision-Making Body Hearing, Review and Recommendation

The Final Plan Approval shall be decided by the Village Council at a quasi-judicial hearing. The decision-making body shall make a decision based on the review standards in paragraph 3 below.

B. Post Decision-Making Action

1. The Final Plan Approval shall automatically expire if the use(s) authorized by the Final Plan Approval is not established or substantially commenced within two years after the date of the Final Plan Approval, unless an extension of this time period is authorized in accordance with Sec. 2-408.D, Lapse of Development Approval.
2. All other modifications of a Final Plan Approval may be amended only in accordance with the procedures and standards for its original approval. Any property or portion thereof which has completed development according to a duly approved Final Plan Approval and development order shall be modified pursuant to the processes established for Planned Development modifications in Sec. 2-501.D Planned Development

3. Final Plan Approval Review Standards

Final Plan Approval shall be granted only on a finding there is competent substantial evidence in the record that the proposed uses:

- A. Will be consistent with the goals, objectives, and policies of the comprehensive plan;
- B. Will comply with the zoning resolution and all applicable zoning district standards;
- C. Will comply with all standards in Chapter 4: Use Specific Standards;
- D. Will be appropriate for its location and is compatible with the general character of surrounding lands and the uses permitted in the zoning district;
- E. Will adequately screen, buffer, or otherwise minimize adverse visual impacts on adjacent lands;
- F. Will ensure that no site lighting source shall negatively impact adjacent properties and rights-of-way;
- G. Will maintain safe and convenient ingress and egress and traffic flow onto and through the site by vehicles and pedestrians, and safe road conditions around the site;

- H. Will avoid significant adverse odor, noise, glare, and vibration impacts on surrounding lands regarding refuse collection, service delivery, parking and loading, signs, lighting, and other site elements;
- I. Will not have an adverse impact on land values and the ability of neighboring lands to develop uses permitted in the zoning district;
- J. Will avoid significant deterioration of water and air resources, scenic resources, and other natural resources;
- K. Will not overburden existing public facilities and services, including but not limited to, streets and other transportation facilities, schools, potable water facilities, sewage disposal, storm water management, and police and fire protection facilities; and
- L. Will comply with all other relevant Village, state, and federal laws and regulations.

G. Bar Special Permit

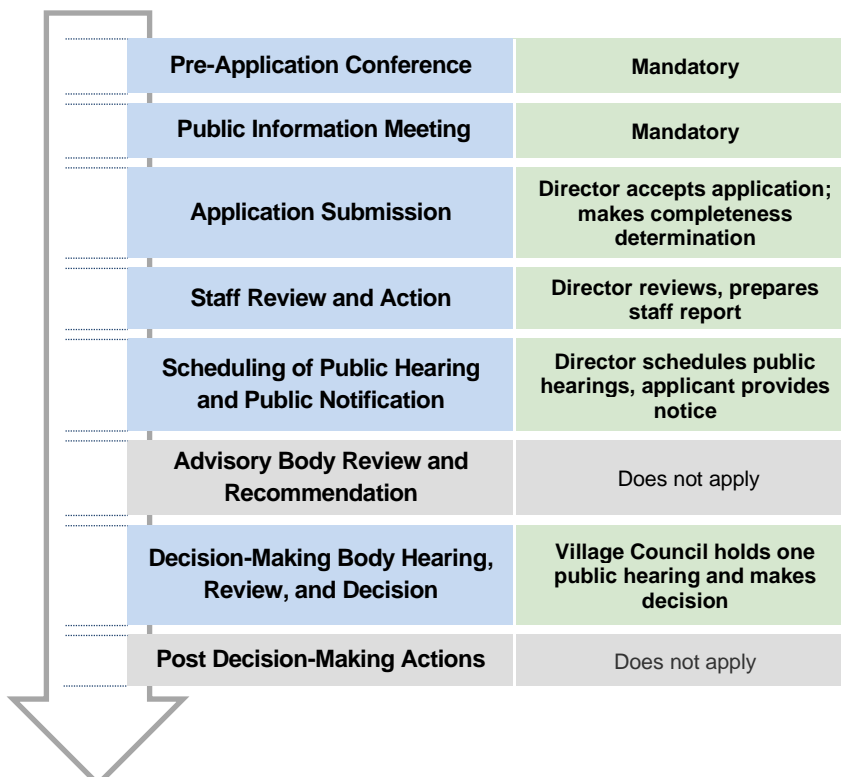
1. Generally

A permit to locate any establishment, including a bar, devoted primarily to the retailing and on-premises drinking of malt, vinous or other alcoholic beverages shall obtain an approval from the Village Council. A bar special permit is not required for provision of alcoholic beverages for members and guests of a private club or recreation center not available to the general public, or for hotels/motels, which approvals may be granted administratively.

2. Bar Special Permit Procedure

Figure 2.5.1(G)2 identifies the key steps in the Bar Special Permit procedure.

Figure 2-501.E.2: Bar Special Permit Procedure Flowchart



3. Bar Special Permit Review Standards

The criteria for a special exception approval, Sec. 2-501.E, shall apply to bar special permit approval. See also Chapter 4: Use Specific Standards.

2-502. SITE DEVELOPMENT

A. Development Order

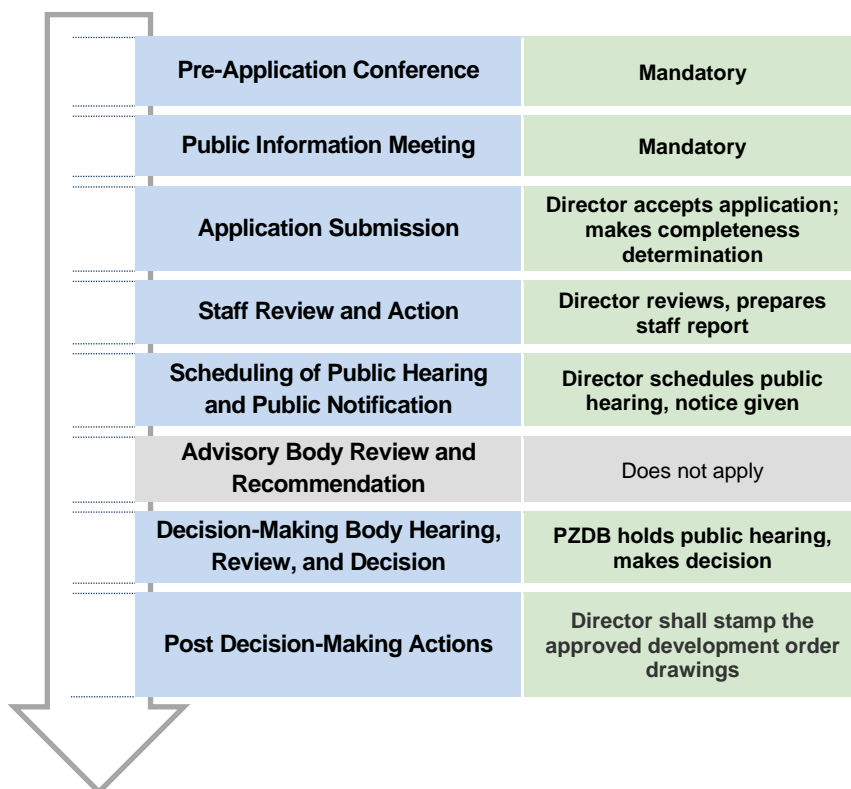
1. Development Order

The procedures and standards in this section apply to the review of and decision on development applications for a development order. Approval of a development order is required prior to the approval of a plat, and the issuance of a building permit, unless this LDC requires only a limited development order, as provided in subsection B below. Application may be made simultaneously for plat review and development order review.

2. Development Order Procedure

A. Figure 2-502.A.2 identifies key steps in the development order procedure, with noted modifications from the general procedures.

Figure 2-502.A.2: Development Order Procedure Flowchart



B. For developments that require rezoning (zoning map amendment), the applicant may make application for a development order and the rezoning simultaneously. The development order will be reviewed for compliance with the requirements of the LDC for the proposed rezoning of the property. No development order application shall be determined to be complete until and unless the rezoning is approved. No approval of the development order shall be granted until the proposed rezoning is approved and an ordinance is signed by the Village Mayor.

3. Post Decision-Making Action

A. The Director shall issue a development order approval letter and will stamp the approved development order drawings with an appropriate development order approval stamp.

B. A development order shall automatically expire if the development authorized by the development order is not constructed or substantially commenced within five years after the date of the approval, or for the life of the surety or performance bond if the bond is for a period of less than five years, or unless an extension of this time period is authorized by the PZDB. Two two-year extensions may be granted provided the extension is requested prior to the expiration of the development order and complies with other application requirements in the Administrative Manual.

- C. In order for a development order to remain valid and active, significant construction activity shall commence within the duration of the development order and the construction of the project to build-out shall be actively pursued. Active pursuit of construction of a project to build-out is defined as continuous construction of the required infrastructure improvements shown and specified in the development order or buildings comprising the project. Actions to secure a permit, land clearing activity and construction of facilities deemed ancillary to the project by the Director will not be considered sufficient to satisfy the “active pursuit” criteria set forth in this section. If a project, including a phased project, is under construction and has not completed at least 50 percent of the permitted development (measured by lots, dwelling units, square feet or other applicable measurements of intensity as applicable) when the development order duration period has elapsed, the developer shall obtain a development order extension. For development order projects where there has been a foreclosure action, a deed given in-lieu of foreclosure, or title has been transferred pursuant to court ordered sale, and where there is a question of active pursuit of the construction under the development order, the new owner shall resume construction of the project within 24 months from the date when the title to the property changes pursuant to the foreclosure, deed in-lieu of foreclosure or court sale. Once restarted, construction shall continue to build-out without any periods of construction inactivity which exceed 18 months.
- D. A development order’s concurrency certificate is only effective for three years from the approval.
- E. If all applicable state and federal permits and approvals have been obtained, the issuance of a development order shall be authorization for the applicant to begin those site development activities specifically approved in the development order. Site development activities shall not occur before all applicable state and federal permits have been obtained.
- F. A development order may be modified as follows:
1. *Amendments*

An application for an amendment to a development order is one that does not qualify as a minor (administrative) change and that does not substantially modify the schedule of development as originally approved under an approved development order or, in the case of a planned development, is in substantial compliance with the approved Master Concept Plan. The PZDB, at a quasi-judicial public hearing, shall review and approve, deny, or approve with conditions any minor amendment.
 2. *Minor (Administrative) Changes*

The Director shall review and decide on minor (administrative) changes, limited to changes that the Director finds:

 - (a) Address technical considerations that could not reasonably be anticipated during the development order approval process; or
 - (b) Would not:
 - i. Materially alter the drainage, streets, or other engineering design;
 - ii. Adversely impact the management of storm water quality or storm water quantity;
 - iii. Substantially affect the terms of the original approval; or
 - iv. Result in significant adverse impacts on the surrounding lands or the Village at large; and
 - (c) Are not the result of a violation revealed during final inspection.
- G. All other modifications of development order approval may be made only in accordance with the procedures and standards for its original approval.
- H. A development order runs with the land and is transferable to the subsequent owner of the property covered by the development order. Within 30 days after the transfer, a new owner shall submit to the Village proof of ownership of the property, a list of all owners, and a signed affidavit that the new owner has full authority to secure subsequent approvals and to impose covenants and restriction required by the development order.

4. *Development Order Review Standards*

A development order shall only be approved upon a finding that the applicant demonstrates there is competent substantial evidence in the record that all of the following standards are met:

- A. The proposed development and uses in the development plan comply with Chapter 3: Zoning Districts, and Chapter 4: Use Specific Standards;
- B. The development proposed in the development plan and its general layout and design comply with all the standards in Chapter 5: Site Development Standards, Chapter 6: Signage, and Chapter 7: Natural Resources;
- C. The development proposed complies with all conditions of approval in any development approval to which the plan is subject;
- D. If any part of the development order requires a plat, the plat is approved in accordance with Sec. 2-502.C, Plat Review, and is in substantial conformance with the development order;
- E. The plan for the proposed development, structure, or project is in conformity with good taste, good design, and in general contributes to the image of the Village as a place of beauty, spaciousness, harmony, taste, fitness, and high quality;
- F. The proposed development, structure or project is not, in its exterior design and appearance, of inferior quality such as to cause the nature of the local environment or evolving environment to materially depreciate in appearance and value;
- G. The proposed structure or project is in harmony with the proposed developments in the general area;
- H. The proposed plan is fully consistent with the comprehensive plan for the Village;
- I. For legal nonconformities, any nonconforming elements of the site except for use are corrected by the proposed plan; and
- J. The development proposed complies with all other applicable standards in the LDC and all other Village ordinances and regulations.

B. *Limited Development Order*

1. *Limited Development Order*

The procedures and standards in this section apply to the review of and decision on applications for a limited development order. Approval of a limited development order is required prior to the issuance of a building permit. A limited development order approval shall be required for the following.

A. *Type A*

Any improvements to the land determined by the Director to have no adverse impacts on public facilities in accordance with applicable standards of measurement in this LDC (vehicular trips, amount of impervious surface, gallons per day, etc.), including up to 100 square feet of additional impervious surface and any Notice of Intent to Commence Water Retention Excavation for an agricultural use or as an amenity to a single-family residence where blasting activities will not be conducted and where no more than 1,000 cubic yards of spoil will be removed offsite.

B. *Type B*

A cumulative addition or enlargement of an existing impervious area, provided that the addition or enlargement does not increase the total impervious cover area by more than 2,500 square feet and there is no increase in the rate of runoff from the project site.

C. *Type C*

Any out-of-door type recreational facilities, such as swimming pools, tennis courts, tot lots, and other similar facilities, provided the total cumulative additional impervious area does not exceed 5,000 square feet, including any Village or county-initiated improvements for public water access purposes in Village or county-owned or maintained rights-of-way.

D. *Type D*

1. Any other improvement to land determined by the Director to have insignificant impacts on public facilities in accordance with applicable standards of measurement in this LDC (vehicular trips, amount of impervious surface, gallons per day, etc.).
2. The installation of new utility lines in existing right-of-way or easements.
3. Improvements to a Village or county maintained road right-of-way.

E. *Type E*

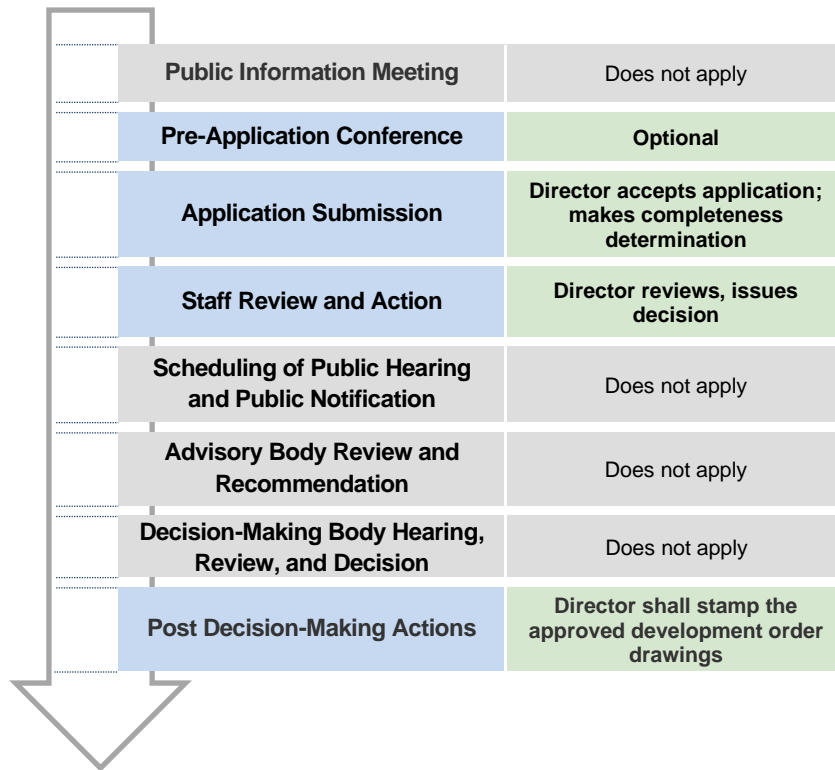
Any subdivision of land into two residential lots where the zoning district regulations permit such subdivision; provided, however, that:

1. Each lot shall meet or exceed all requirements of the zoning district in which it is located, or the subdivision is approved by the Director under the provisions of this LDC, and the overall development complies with all other requirements of this LDC;
2. No more than two lots may be created from an original parent parcel as it existed on January 28, 1983;
3. Except single-family detached dwelling units, two-family attached dwelling units or bona fide agricultural uses, no development may occur on either of the lots without first obtaining a development order;
4. If the parent parcel is 10 acres or greater, a protected species survey may be required as specified in this LDC;
5. Each lot shall abut and have access to a road that meets the minimum construction standards set forth in this LDC and is consistent with the maximum density requirements of this LDC;
6. No significant alteration of existing utility installations is involved;
7. No change in drainage will occur that adversely impacts the surrounding properties;
8. Creation of new road rights-of-way or road easements, and the construction of new roadways or upgrading of existing roadways to meet the minimum standards contained in this LDC will require development order approval; and
9. Reasonable conditions may be attached to the approval so that any development on the lots will comply with all Village LDC requirements.
10. An application for a lot split shall include all parcels under common ownership, including any abutting residual parcels, if under common ownership with the property subject to the lot split and are part of the original parent parcel as the parent parcel existed on January 28, 1983. If all lots are not under common ownership, the applicant shall provide proof that the applicant made a bona fide, good faith effort to request by certified mail, return receipt requested, all other property owners to join in the lot split application. Proof of the current property owner's refusal to consent to the lot split or the failure of the current property owner to respond to the applicant's request, after a reasonable time for a response, will obviate the need to include that parcel. Further development on any lots that do not join in the lot split application may not occur until the lot has been legally created in accordance with the provisions of this LDC. A lot split may only be approved once.
11. All parcels, including residual parcels, shall conform to the minimum property development regulations for the zoning district in which they are located.

2. *Limited Development Order Procedure*

Figure 2-502.B.2 identifies key steps in the limited development order procedure, with noted modifications from the general procedures.

Figure 2-502.B.2: Limited Development Order Procedure Flowchart



3. Post Decision-Making Action

- A. The Director shall issue a limited development order approval letter and will stamp the approved development order drawings with an appropriate development order approval stamp.
- B. A limited development order shall automatically expire if the development authorized by the limited development order is not constructed or substantially commenced within three years after the date of the approval.
- C. A limited development order approval shall automatically expire if the development authorized by the limited development order is discontinued and not resumed for a period of one year.
- D. A limited development order may be modified in accordance with the procedures and standards for its original approval.

4. Limited Development Order Review Standards

A limited development order shall only be approved upon a finding that the applicant demonstrates there is competent substantial evidence in the record all of the following standards are met:

- A. The proposed development and uses in the development plan comply with all applicable requirements of the LDC and is consistent with the Village comprehensive plan;
- B. For legal nonconformities, any nonconforming elements of the site except for use are corrected by the proposed plan;
- C. The development proposed in the development plan has no significant adverse effect upon surrounding land uses;
- D. The development proposed in the development plan has no significant adverse effect upon public facilities in the area;
- E. The development proposed in the development plan does not adversely affect the environmental quality of the area;
- F. The development proposed complies with all conditions of approval in any development approval to which the plan is subject; and

- G. If any part of the limited development order requires a plat, the plat is approved in accordance with Sec. 2-502.C, Plat Review, and is in substantial conformance with the development order.

C. Plat Review

1. Generally

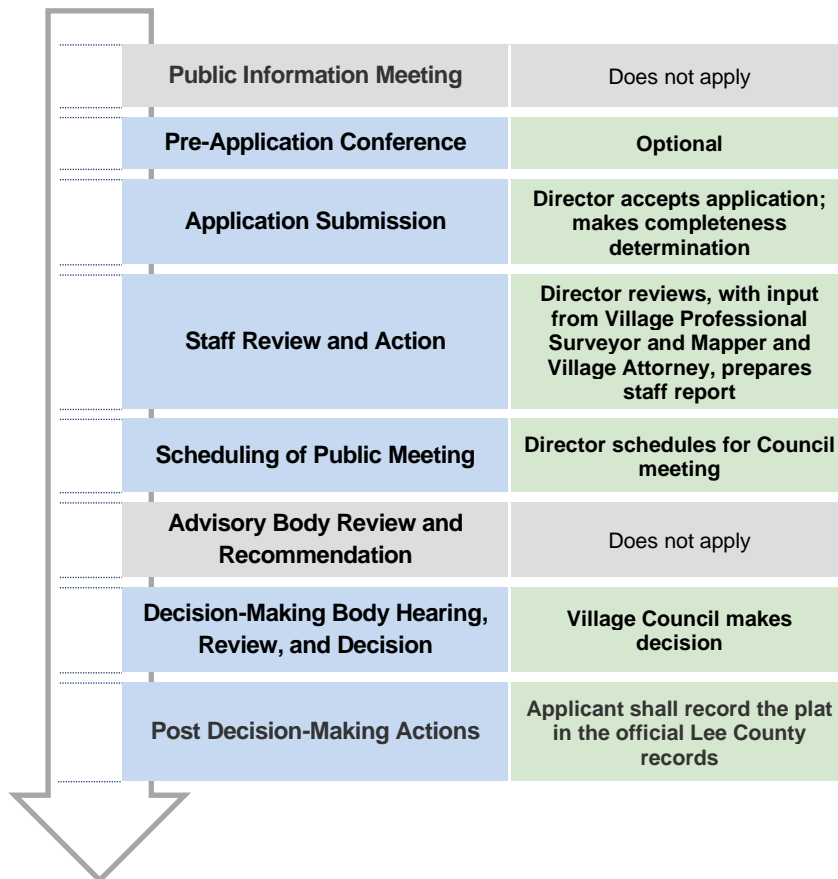
This subsection supplements the procedural requirements of Ch. 177, Fla. Stat. for review and decisions regarding plats and replats. It applies to all subdivision of land, except the following:

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

2. Plat Procedure

- A. Figure 2-502.C.2 identifies key steps in the plat and replat procedure, with noted modifications from the general procedures.

Figure 2-502.C.2: Plat Procedure Flowchart



- B. Plats shall be prepared in compliance with Ch. 177, Fla. Stat. and shall contain all of the elements specified in the statute, this LDC (including Section 5-9, Plat Standards), and the Administrative Manual.
- C. The Director may permit the combination or recombination of platted lots of record created through a plat recorded in the Official Records of Lee County, in accordance with Sec. 5-906,

Lot Recombination, provided the density established through the original plat is not increased and the resulting lots comply with all other applicable requirements of this LDC.

D. A development order for the subject property shall be approved prior to approval of a plat.

3. *Post Decision-Making Actions*

All plats and replats shall be recorded by the applicant in the Official Records of Lee County.

4. *Plat Standards.*

The Village Council acts in its ministerial capacity when reviewing and deciding plats and replats. Approval shall be granted if the plat meets the platting requirements of this LDC (see, Section 5-9, Plat Standards, and any technical requirements provided in the Administrative Manual, statutory plat requirements, and other applicable LDC requirements).

D. **Vacation of Easement, Right-of-Way, or Plat**

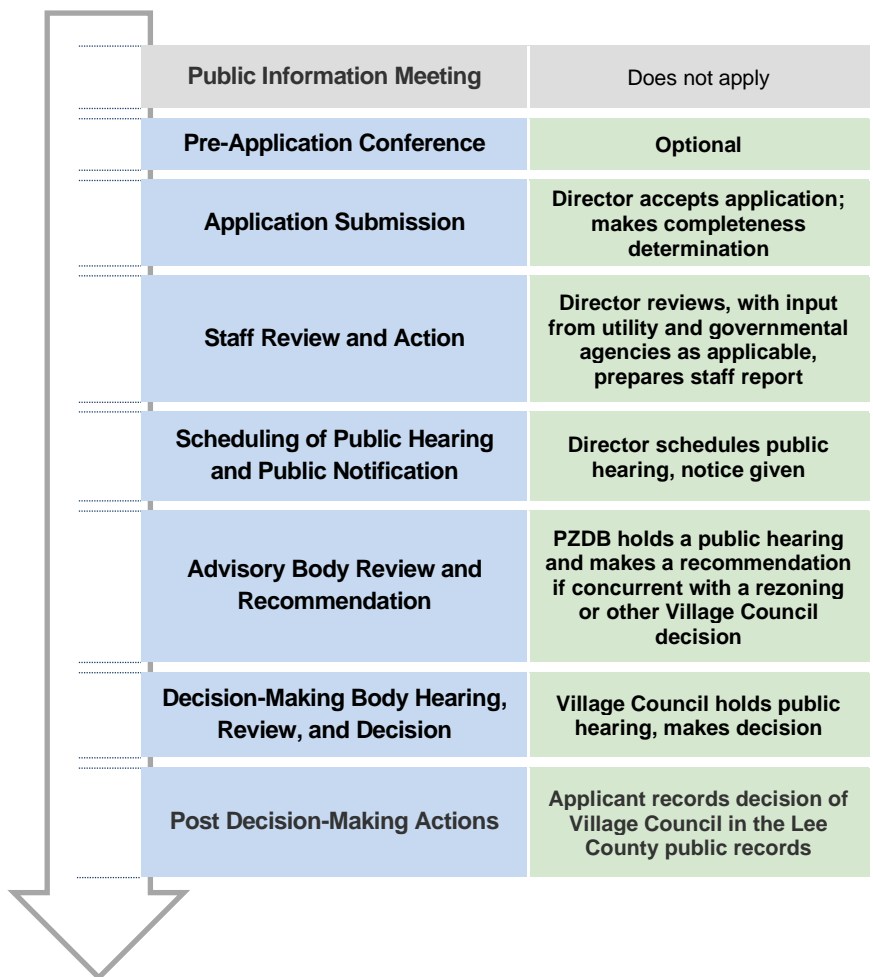
1. *Generally*

Applications for the vacation of easements, rights-of-way, or plat shall follow the standards established in Section 5-9, Plat Standards, in addition to the procedures set out herein.

2. *Vacation Procedures*

A. Figure 2-502.D.2 identifies key steps in the vacation procedure, with noted modifications from the general procedures.

Figure 2-502.D.2: Vacation of Easement, Right-of-way or Plat Procedure Flowchart



B. If the vacation is of an easement, right-of-way, or plat required as a condition of rezoning or other Village Council decision, the PZDB shall hold a hearing and provide a recommendation to the Village Council regarding the vacation. A development order conditioned on such

vacation shall not become effective unless and until the Village Council approves the vacation.

3. *Post Decision-making Actions*

All vacations of easements, rights-of-way, and plats shall be recorded by the applicant in the Official Records of Lee County. The recordation shall include a survey in accordance with the standards of the FAC, this LDC, and any conditions of approval.

4. *Review Standards*

The Village Council shall, after public hearing and due consideration, either grant or deny the application in accordance with the best interests of the public welfare. A vacation of an easement, right-of-way, or plat is subject to the legislative discretion of the Village Council. The Village Council may consider as applicable, whether:

- A. The easement or right-of-way is now, or in the foreseeable future, needed for a public purpose for the Village or its residents;
- B. For a plat vacation which has dedicated rights-of-way to public use or dedicated rights-of-way or easements for any public utility, storm drainage course, floodplain, public access roadway, or dedicated public facility:
 - 1. Consents have been provided by the public users of the easements;
 - 2. Each public utility, which is franchised to provide services within the area of the plat, is notified in writing of the proposed vacation, and has 30 calendar days to comment;
 - 3. Conditions of consent from any public agencies or utilities having rights in any land proposed to be vacated have the conditions incorporated into the vacation; and
 - 4. If any agency or utility having rights in any land proposed to be vacated objects, a finding is made that a specific public benefit will not be annulled if the vacation is granted.
- C. New plats assigned concurrently with a plat vacation may take into account previous dedications.

2-503. CERTIFICATE OF CONCURRENCY

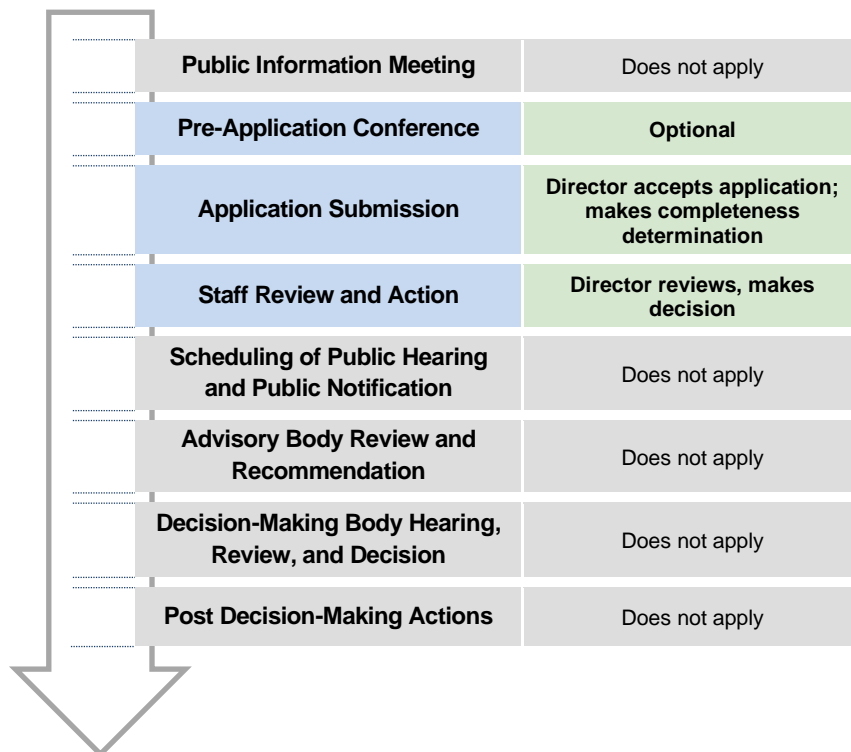
A. Generally

All applications for development orders and building permits shall be reviewed by the Director for compliance with the level of service requirements set forth in the comprehensive plan and this LDC, unless exempted by this LDC.

B. Procedures

- 1. Figure 2-503.B.1 identifies key steps in the certificate of concurrency procedure, with noted modifications from the general procedures.

Figure 2-503.B.1: Certificate of Concurrency Procedure Flowchart



2. As a part of its application for development approval, the applicant shall provide letters of concurrency compliance from the providers of the following services: potable water, sanitary sewer, solid waste, surface water management (drainage), and schools.
3. In its review of the application, the Director may rely upon studies, measurements or calculations prepared by qualified professionals, or upon generally accepted guidelines, rules, formulas, studies or other theories developed by professional experts working or publishing in this field of inquiry, or upon relevant historical trends or experiences, or upon related rules and standards adopted by other governmental agencies, or upon any combination of these sources.

C. Certificate of Concurrency Standards

A written determination of concurrency compliance (“certificate of concurrency”) shall be issued in conjunction with a development order if the Director determines that there will be sufficient capacity for the enumerated facilities to serve the proposed development at the time the impacts of development will occur, without causing those facilities to function at a level of service below the minimum regulatory levels established in the comprehensive plan. The Director may condition the certificate of concurrency on mitigation to be provided by the applicant as a condition of a development approval.

2-504. HISTORIC PRESERVATION CERTIFICATE OF APPROPRIATENESS

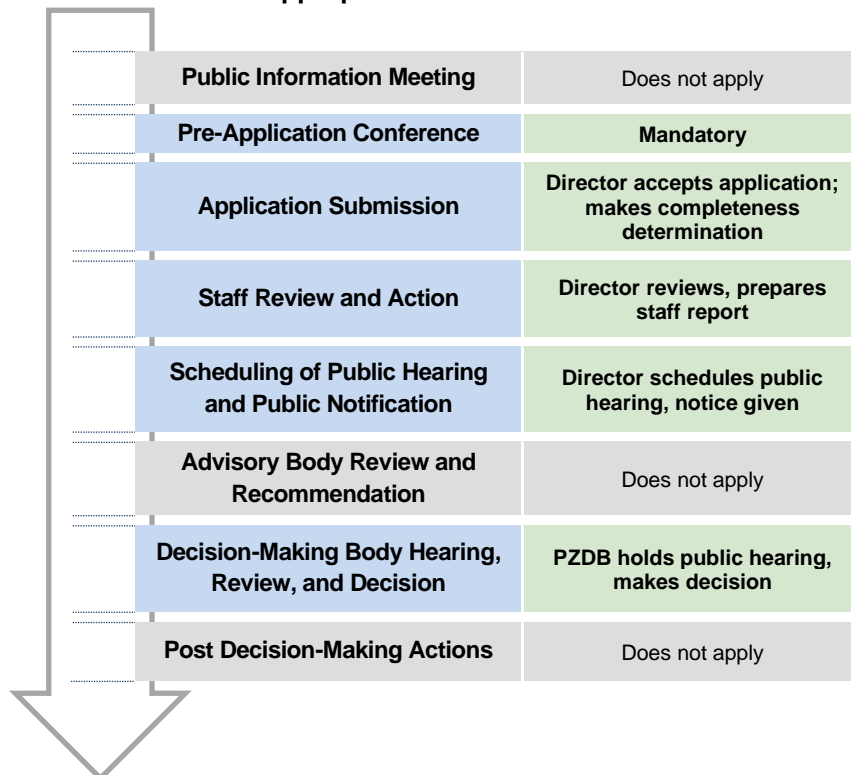
A. Generally

1. The PZDB shall review and decide on modifications to structures designated by the Village, or by Lee County prior to Village incorporation, as historically significant, to assist in the continued preservation of the structure and the appropriate, compatible and sensitive development of new construction and additions to the structure. In conducting these duties, the PZDB shall seek the advice of persons knowledgeable in historic preservation.
2. A certificate of appropriateness is a written approval issued by the PZDB allowing specified alterations to, new construction of, relocation of, or other changes to a designated historic structure.

B. Certificate of Appropriateness Procedure

Figure 2-504.B identifies key steps in certificate of appropriateness procedure, with noted modifications from the general procedures.

Figure 2-504.B: Certificate of Appropriateness Procedure Flowchart



C. Standards for Certificate of Appropriateness

A certificate of appropriateness shall be reviewed and approved or denied based upon the criteria listed in the U.S. Secretary of the Interior’s Standards for Rehabilitation, 36 CFR 67 (1983), as such standards may be amended, renumbered, or replaced from time to time.

2-505. PERMITS

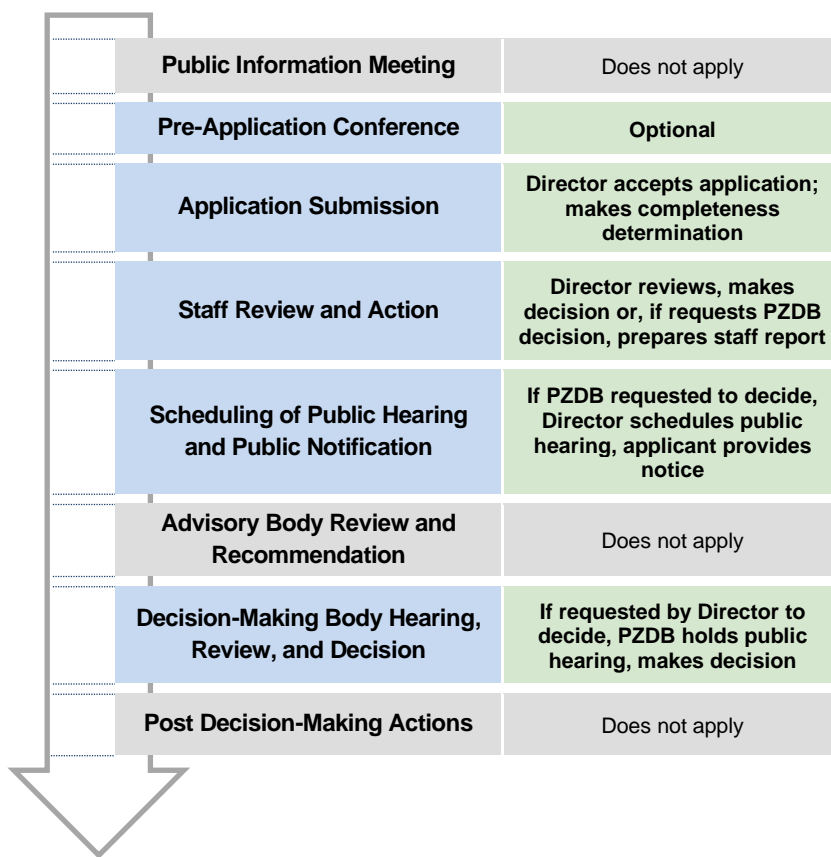
A. Material Alteration of Commercial or Multifamily Building or Structure Exterior Permit

The Director shall review all applications for material alterations of building or structure exteriors for commercial buildings, places of assembly, and multifamily buildings, and make a decision, unless, in the Director’s discretion, the Director requests that the PZDB makes the decision.

1. Material Alteration of Commercial or Multifamily Building or Structure Exterior Permit Procedures

Figure 2-505.A.1 identifies key steps in the material alteration of building or structure exteriors permit procedure, with noted modifications from the general procedures.

Figure 2-505.A.1: Material Alteration of Commercial or Multifamily Building or Structure Exterior Permit Procedure Flowchart



2. Material Alteration of Building or Structure Standards

If the Director determines that the proposed material alteration conforms to an applicable pattern book, condition of approval or LDC, the Director may issue an approval. Furthermore, if the Director determines that the project does not conform, the PZDB shall review the application to determine whether the following criteria are met:

- A. The proposed alteration is in conformity with good taste, good design, and in general contributes to the image of the Village as a place of beauty, spaciousness, harmony, taste, fitness, and high quality;
- B. The proposed alteration is not, in its exterior design and appearance, of inferior quality such as to cause the nature of the local environment or evolving environment to materially depreciate in appearance and value;
- C. The proposed alteration is in conformity with the standards of this LDC and other applicable ordinances insofar as the location and appearance of the structure is involved;
- D. The proposed alteration is in harmony with the proposed developments in the general area, and fully consistent with the comprehensive plan for the Village; and
- E. If a repainting project, the proposed repainting conforms to the colors permitted in this LDC.

B. Monument Sign Permit

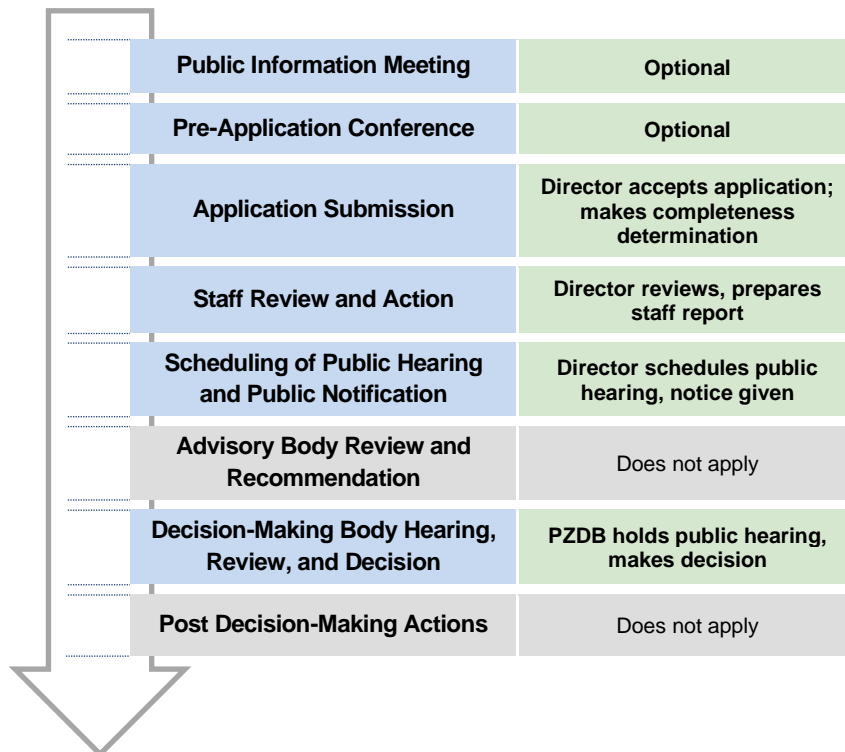
1. Generally

The PZDB shall review all applications for monument signs; all other sign permit applications shall be reviewed and decided by the Director.

2. Monument Sign Permit Procedure

Figure 2-505.B.2 identifies key steps in the monument sign permit procedure, with noted modifications from the general procedures.

Figure 2-505.B.2: Monument Sign Permit Procedure Flowchart



3. Monument Sign Standards

The PZDB shall review monument sign applications to determine, based on substantial competent evidence, whether the following monument sign criteria are met. The PZDB in its sign review does not review for compliance with zoning standards.

- A. The proposed structure is in conformity with good taste, good design, and in general contributes to the image of the Village as a place of beauty, spaciousness, harmony, taste, fitness, and high quality.
- B. The proposed structure is not, in its exterior design and appearance, of inferior quality such as to cause the nature of the local environment or evolving environment to materially depreciate in appearance and value.
- C. The proposed structure is in conformity with the standards of this LDC (including but not limited to Chapter 6: Signage) and other applicable ordinances insofar as the location and appearance of the structure is involved.
- D. The proposed structure is in harmony with the proposed developments in the general area, and fully consistent with the comprehensive plan.

C. Temporary Use Permit

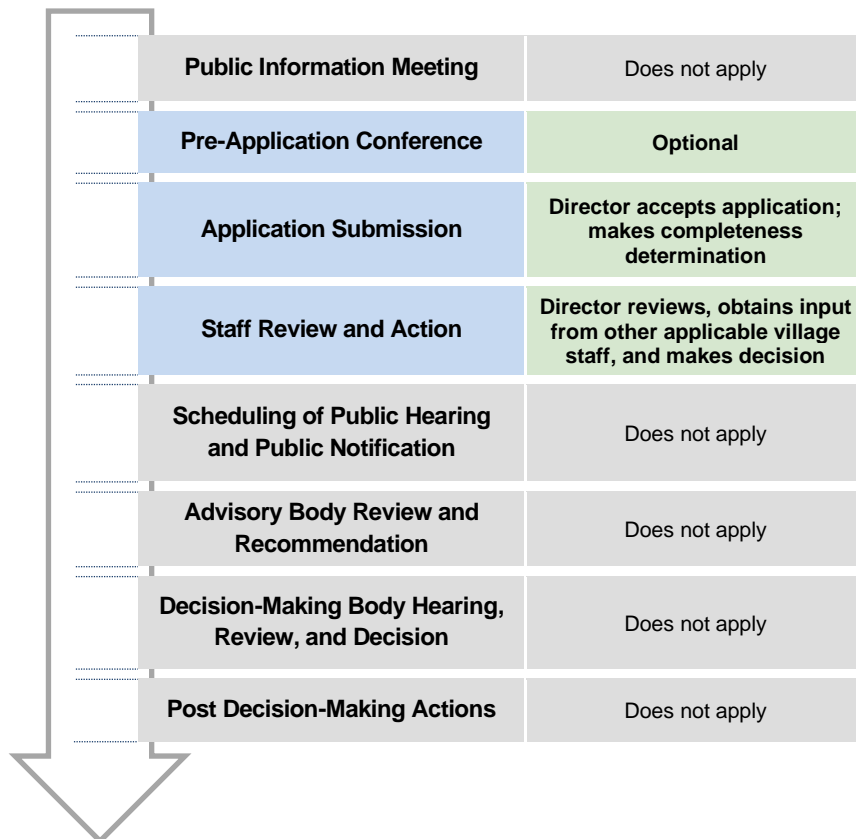
1. Generally

Temporary use permits are available for certain uses identified in this LDC, for identified periods of time. Special event temporary uses will be approved by the Director.

2. Temporary Use Permit Procedure

Figure 2-505.C.2 identifies key steps in the Temporary Use Permit procedure, with noted modifications from the general procedures.

Figure 2-505.C.2: Temporary Use Permit Procedure Flowchart



D. Tree Removal/Vegetation Permit

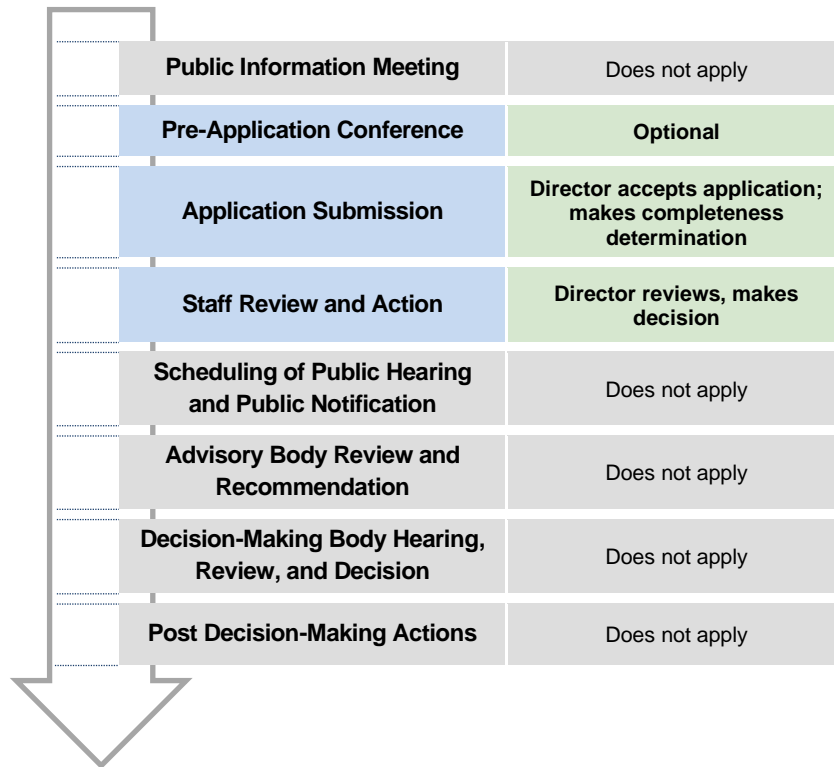
1. Generally

No person, organization, society, association, corporation, or any agent or representative thereof, shall deliberately cut down, destroy, remove, relocate, defoliate through the use of chemicals or other methods, or otherwise damage any tree or vegetation that is protected by this LDC, without first obtaining a development approval as provided in this LDC (see Sec. 5-404, Tree Preservation). No clearcutting of vegetation is permitted until a development permit for vertical construction has been issued.

2. Tree Removal/Vegetation Permit Procedure

Figure 2-505.D.2 identifies key steps in the Tree Removal/Vegetation Permit procedure for removal of fewer than 10 trees, with noted modifications from the general procedures. For removal of 10 or more trees, the applicant shall obtain a Limited Development Order approval.

Figure 2-505.D.2: Tree Removal/Vegetation Permit Procedure Flowchart



3. Tree Removal Standards

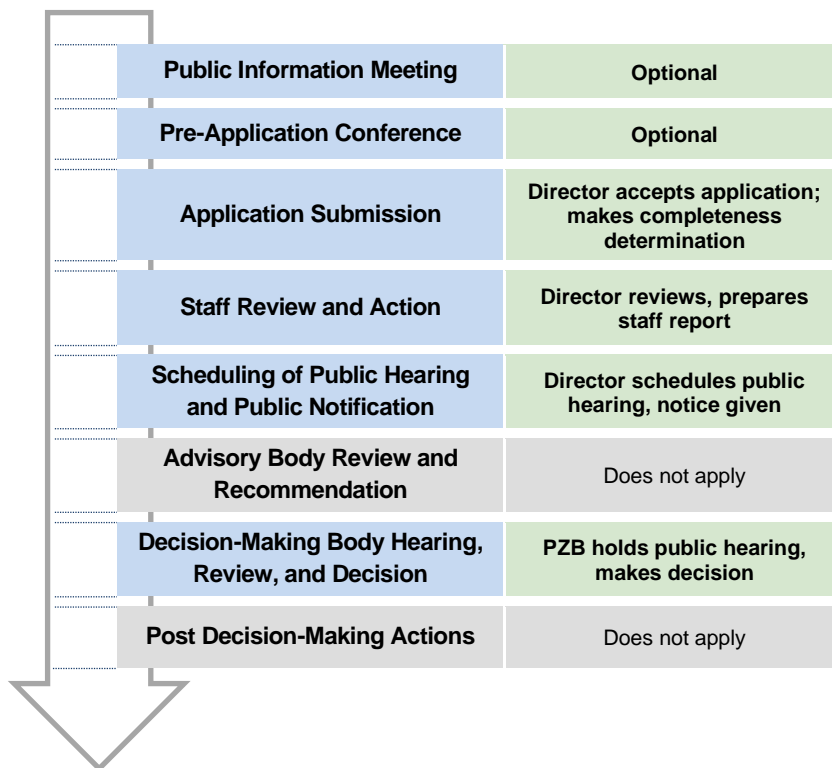
- A. The Director shall approve a permit for issuance for the removal of any protected tree upon a finding that one or more of the following conditions is present:
 - 1. Trees which pose a safety hazard to pedestrian or vehicular traffic or threaten to cause disruption to public utility services.
 - 2. Trees which pose a safety hazard to existing buildings or structures.
 - 3. Trees which prevent reasonable access to a lot or parcel so long as the proposed access point complies with all other Village regulations.
 - 4. Diseased trees which are a hazard to people, buildings, or other improvements on a lot or parcel or to other trees.
 - 5. Trees so weakened by age, storm, fire, or other injury as to, in the opinion of the Director, jeopardize the life and limb of persons or cause a hazard to property.
 - 6. Trees which prevent the lawful development of a lot or parcel or the physical use thereof.
 - 7. Any tree if properly documented to be a danger to property by an arborist certified by the International Society of Arboriculture or a Florida licensed landscape architect.
- B. The Director may require that a tree protected by this LDC be relocated on the same lot or parcel in-lieu of removal.

E. Cultivated Tree Removal/Renovation

1. Cultivated Tree Removal/Renovation Procedure

Figure 2-505.E.1 identifies key steps in the Cultivated Tree Removal/Renovation procedure for properties with an approved Landscape Plan and subject to a Development Order or a Limited Development Order when proposing an amendment to remove 10 or more cultivated trees, with noted modifications from the general procedures.

Figure 2-505.E.1: Cultivated Tree Removal/Renovation Procedure Flowchart



2. Cultivated Tree Removal/Renovation Standards

The PZDB shall review requests for Cultivated Tree Removal/Renovation to determine, based on substantial competent evidence, whether the following criteria are met.

- A. Compliance with Sec. 5-411.I, Cultivated Tree Removal / Renovation of this code.
- B. The proposed amendment to the Landscape Plan is in conformity with good taste, good design, and in general contributes to the image of the Village as a place of beauty, spaciousness, harmony, taste, fitness, and high quality.
- C. The proposed amendment to the Landscape Plan is in harmony with the proposed developments in the general area.
- D. The proposed amendment to the Landscape Plan promotes water conservation.

F. Other Administrative Permits and Approvals

1. Generally

This LDC includes requirements for the issuance of various permits and approvals that are issued administratively by the Director. The administrative permits and approvals shall be reviewed pursuant to the general procedures in Sec. 2-403, Development Application Submission, and Sec. 2-404, Staff Review And Action, of this LDC, unless otherwise specified elsewhere in this LDC. These administrative permits and approvals include, but are not limited to, the following.

2. Use Permit

A use permit, authorizing a use in accordance with this LDC, is required prior to occupancy or a change of occupancy of commercial or industrial zoned property, or for the change of use from a model home that is converted to a standard residence. A use permit is a prerequisite to any county or state permitting or business license receipt. The Director shall review and issue a use permit prior to the issuance of a building permit, based on the determination that the use meets the standards in this LDC.

3. Sign Permit

Sign permits, except for monument signs, shall be reviewed by the Director for compliance with the standards in this LDC. A building permit for a sign shall not be issued until authorized by the

Director. Appeals of a sign permit decision shall be made to the PZDB in accordance with the appeal procedures of Sec. 2-404, Staff Review And Action.

4. *Dogs in Outdoor Seating Areas of Restaurants*

A. *Generally*

Pursuant to Sec. 509.233, Fla. Stat., patrons' dogs (*canis lupus familiaris*) may be permitted within outdoor seating areas of restaurants subject to the approval of an outdoor dog dining permit. Service animals, as defined under Ch. 413, Fla. Stat., are exempt from the provisions of this section.

B. *Permit Required*

A permit must be obtained from the Department prior to allowing patrons' dogs in outdoor seating areas:

1. *Application*

An applicant for an outdoor dog dining permit must submit the following information on the form provided by the Village:

- (a) The name, location, and mailing address of the restaurant.
- (b) The name, mailing address, and telephone contact information of the permit applicant.
- (c) The Division of Hotels and Restaurants of the Florida Department of Business and Professional Regulation issued license number of the restaurant.
- (d) A copy of a site plan, to scale, that will be designated as available to patrons' dogs, including: dimensions of the designated area; a depiction of the number and placement of tables, chairs, and restaurant equipment, if any; the entryways and exits to the designated outdoor area; the boundaries of the designated area and of other areas of outdoor dining not available for patrons' dogs; any fences or other barriers; surrounding property lines and public rights-of-way, including sidewalks and common pathways; and such other information reasonably required by the permitting authority.
- (e) A description of the days of the week and hours of operation that dogs will be permitted in the designated outdoor area.

2. *Review and Approval*

- (a) Prior to permit approval, the Director must find that all required materials have been received and that the requested permit will not hinder the general health, safety and welfare of the public.
- (b) The Director may impose additional conditions as necessary in order to protect the health, safety, and welfare of the community.
- (c) The Director will provide the Division of Hotels and Restaurants of the Florida Department of Business and Professional Regulation with a copy of all approved applications and permits issued.

3. *Transfer*

A permit issued under this section is not transferable to a subsequent owner or tenant upon the sale of a public food service establishment, but will automatically expire upon the sale of the establishment. The subsequent owner or tenant is required to reapply for a new permit pursuant to this section if the subsequent owner or tenant wishes to continue to accommodate patrons' dogs. A change in occupancy will also require the issuance of a new permit under this section.

4. *Revocation*

- (a) A permit may be revoked by the Village if, after notice and reasonable time in which the grounds for revocation may be corrected, the restaurant fails to comply with the conditions of approval, including the standards set forth in Sec. 4-132, Restaurant.
- (b) If revoked, a permit for dogs in outdoor seating areas will not be issued to the same owner or tenant for a period of 12 months from the date of revocation.

5. Legacy Mobile Home Parks

- A. Any mobile home park which was lawfully established prior to the effective date of the Lee County's 1962 zoning regulations will be governed by the requirements of Sec. 9-504, Placement of Mobile Home or Recreational Vehicle on Lot, as long as the park satisfies the remaining minimum documentary requirements and the Village Council approval set forth in this provision. Any park previously approved by the Lee County Board of Commissioners under Lee County Ordinance 86-36 may request to amend the approved site plan by the combination of lots creating larger lots provided the approved density is not increased. The park must obtain an administrative approval. For purposes of this subsection, the term "site plan" means any one or more of the following, whichever is applicable:
1. A sealed and signed survey showing individual lots by both course and distance;
 2. An unrecorded subdivision plat prepared and certified by a professional engineer or surveyor;
 3. A condominium plot plan prepared and recorded pursuant to Ch. 718, Fla. Stat.;
 4. A park plan prepared and submitted with a prospectus pursuant to Ch. 723, Fla. Stat., provided that the prospectus has been approved by the State Department of Business Regulation and is of sufficient accuracy, size, and legibility to enable the Director to administer this section;
 5. A site plan approved in accordance with Lee County Administrative Code Policy F-0015;
 6. A site plan approved pursuant to a preliminary or final development order;
 7. A rectified aerial with a minimum scale of one inch equals 100 feet and which has each site delineated and identified by its number and shows individual lot measurements with a reasonable degree of accuracy; or
 8. Any other document which shows lot lines with enough specificity to enable the Director to apply the provisions of this section with respect to minimum lot size, lot widths and setback requirements.
- B. Any of the above documents that have not been formally approved by the Village Council or the Lee County Board of County Commissioners before Village incorporation will not be sufficient to satisfy the provisions of this subsection. The burden of proof that a document has received Lee County Board of County Commissioners approval or Village Council approval is that of the owner.

G. Zoning Verification Letter ("ZVL")

1. Generally

A zoning verification letter may be requested from the Director by an individual who is seeking verification of the zoning status of a specific parcel of land. A zoning verification letter issued by the Director is informational only, will not be the basis for an estoppel against the Village, and does not authorize development activity.

2. Procedures

The request must provide sufficient information to identify the property and the information the requestor seeks to verify. The request must be submitted in writing and be accompanied by the required administrative fee. If the request covers multiple parcels, the Director may treat each parcel as a separate request and may result in additional fees. The requestor is solely responsible for the accuracy of the information provided to the Village within the request. The procedures established under this paragraph will also apply to any request for zoning review or verification provided to facilitate licensure or approval through a Federal or State Agency.

3. Duration

There is no specific expiration date for a ZVL. However, Village zoning regulations are continually under review and may change at any time, and conclusions provided in a ZVL may be superseded if not in conformance with the current regulations at the time of permit application.

4. Content

A ZVL provided by the Village may contain the following information:

- A. The future land use designation of the property in the comprehensive plan.

- B. The zoning district of the property.
- C. Verification that a particular use is permitted within the property’s zoning district.
- D. A list of permitted uses in the zoning district.
- E. Identification of current zoning resolutions, special exceptions, variances, and deviations that apply to the property.
- F. The development regulations applicable to the property.
- G. Zoning action needed to permit a particular use.
- H. Identification of any current Notice of Violations issued for code enforcement violations on the subject property.

5. *Appeal*

The conclusions made within a ZVL are not subject to appeal.

2-506. RELIEF

A. Zoning Variance

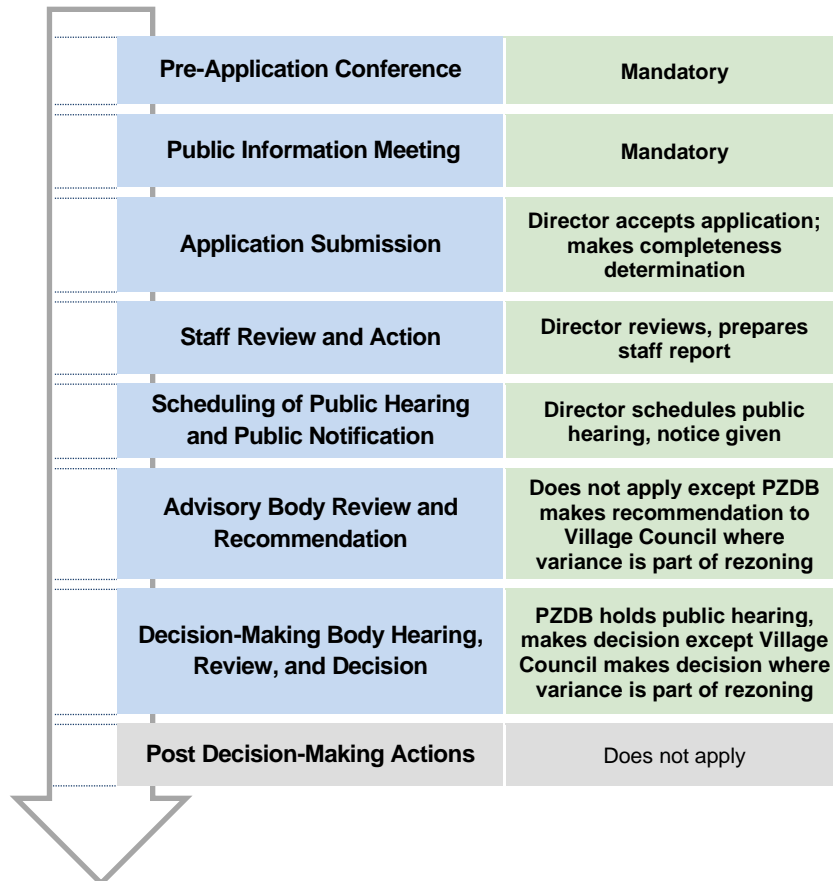
1. *Generally*

The PZDB shall hear and decide all requests for variances from the terms of the regulations or restrictions of the LDC, except in the event that the variance request is part of a rezoning (zoning map amendment) application, in which case the Village Council will decide the variance, and except for a variance request from Section 7-3, Flood Hazard Reduction Standards. No use variance may be heard or considered.

2. *Zoning Variance Procedure*

Figure 2-506.A.2 identifies key steps in the zoning variance procedure, with noted modifications from the general procedures.

Figure 2-506.A.2: Zoning Variance Procedure Flowchart



3. Zoning Variance Standards

Before granting a zoning variance, the PZDB, or the Village Council, as applicable, shall find that all of the following are satisfied:

- A. There are exceptional or extraordinary conditions or circumstances that are inherent to the property in question and whether those exceptional or extraordinary conditions or circumstances create a hardship (as defined in this LDC) on the property owner.
- B. The exceptional or extraordinary conditions or circumstances are not the result of actions of the applicant taken subsequent to the adoption of the ordinance (any action taken by an applicant pursuant to lawfully adopted regulations preceding the adoption of the ordinance from which this LDC is derived will not be considered self-created).
- C. The variance granted is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation in question to the applicant's property.
- D. The granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- E. The condition or situation of the specific piece of property, or the intended use of the property, for which the variance is sought, is not of a general or recurrent nature so as to make it more reasonable and practical to amend the LDC.

B. Flood Variance

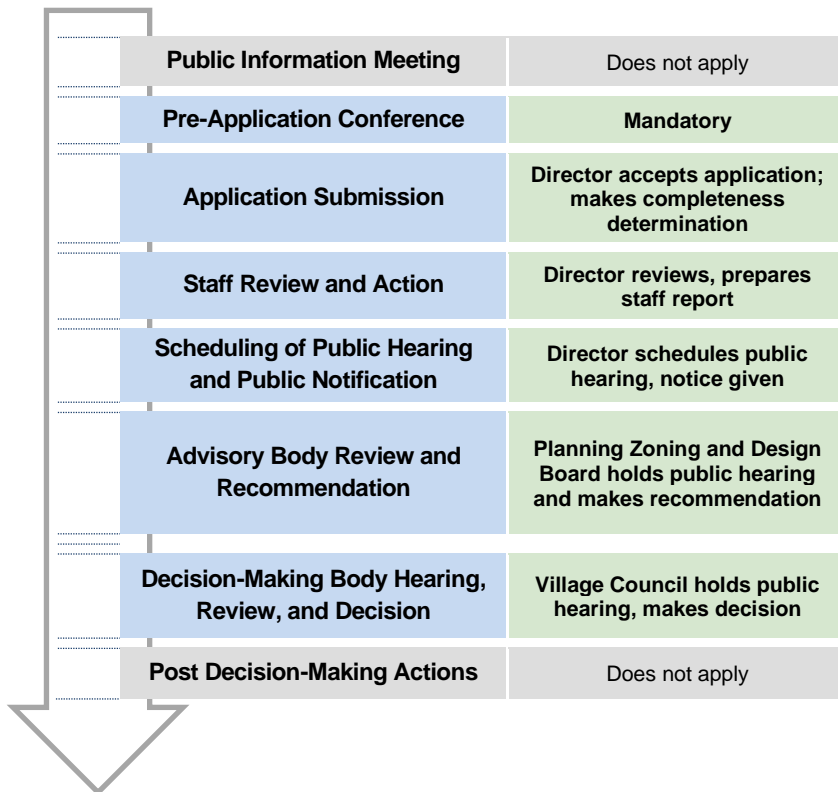
1. Generally

Any applicant for development approval for any building, structure, and facility which is wholly within or partially within any flood hazard area shall first obtain the required approval pursuant to Flood Hazard Reduction requirements of this LDC (Section 7-3, Flood Hazard Reduction Standards. The Village Council shall hear and decide on requests for variances from the strict application of the Flood Hazard Reduction requirements of this LDC.

2. Flood Variance Procedure

Figure 2-506.B.2 identifies key steps in the Flood Variance procedure, with noted modifications from the general procedures.

Figure 2-506.B.2: Flood Variance Procedure Flowchart



3. Flood Hazard Reduction Variance Review Standards

- A. In reviewing requests for a flood hazard reduction variance, the Village Council will consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, the requirements of Section 7-3, Flood Hazard Reduction Standards, the requirements of Sec. 7-301.G, Variances and Appeals, and the following:
1. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
 2. The danger to life and property due to flooding or erosion damage;
 3. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
 4. The importance of the services provided by the proposed development to the community;
 5. The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
 6. The compatibility of the proposed development with existing and anticipated development;
 7. The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
 8. The safety of access to the property in times of flooding for ordinary and emergency vehicles;
 9. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 10. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets, and bridges.
- B. Variances may only be issued upon the Village Council determination that:
1. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
 2. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and articles; and
 3. The variance is the minimum necessary, considering the flood hazard, to afford relief.

C. Deviation

1. Deviation

A. Generally

The Village Council shall approve deviations that are part of a planned development or rezoning (zoning map amendment) approval, after recommendation by the PZDB.

B. Deviation Standards for Village Council Decision

In reaching a decision, the Village Council shall consider whether the proposed deviation will or will not:

1. Improve the quality of the proposed development under review;
2. Preserve and promote the general intent of the LDC to protect the public, health, safety and welfare;
3. Be compatible with uses on surrounding property; and
4. Create an undue burden on essential public facilities.

2. *Administrative Deviation*

A. *Generally*

The Director is authorized to grant administrative deviations from the technical standards in the following sections of this LDC, subject to the review standards in subsection 3 below.

1. Certain development standards in the EPD District.
2. Right-of-Way width specifications for Village-maintained roads.
3. Right-of-Way width specifications for privately-maintained roads.
4. Intersection design.
5. Edge of pavement radius at intersecting roads.
6. Horizontal curves.
7. Cul-de-sacs.
8. Wearing surface on Village-maintained roads.
9. Wearing surface on privately-maintained roads.
10. Composition of the base on Village-maintained roads.
11. Composition of the base on privately-maintained roads.
12. Roadway swale slope and run-off requirements.
13. Edge of pavement radius at driveways.
14. Water main line sizing, dead end and intersecting criteria.
15. Wellfield prohibition and monitoring requirements.
16. Mangrove replanting ratio requirements.
17. Surface water management roadside swale standards.
18. Surface water management setbacks for water retention or detention activities.
19. Setbacks required for docks and boat ramps.
20. Public transit facilities.
21. Piping materials in rights-of-way.
22. Potable water systems.
23. Sanitary sewer systems.
24. Deviation of up to 5 percent of the standards for off-street parking, landscaping, and dimensions of this LDC, subject to the review standards in subsection 3.B below.
25. Any other technical provision of the LDC which provides for the Director to grant administrative deviation.

B. *Administrative Deviation Prior to Development Order Consideration*

The applicant may pursue approval of administrative deviations concurrently with an application for a development order. The development order will be reviewed but cannot be approved until all of the necessary deviations have also been approved. After a deviation request has been heard and has been approved or denied, the applicant may proceed with the preparation of all the documents necessary for the approval of the development order.

3. *Review Standards*

Administrative deviations may be granted only where the Director, with the assistance of appropriate Village staff and affected jurisdictions, finds that the following criteria have been met:

A. For deviations from listed technical standards:

1. The alternative proposed to the standards of the LDC is based on sound engineering practices (not applicable to Sec. 5-307, Transit Access and Circulation; Sec. 5-1002, Potable Water Systems; or Sec. 5-1003, Sewer Systems);
2. The alternative is no less consistent with the health, safety and welfare of abutting landowners and the general public than the standard from which the deviation is being requested;

3. The granting of the deviation is not inconsistent with any specific policy directive of the Village Council or Village comprehensive plan;
 4. For Sec. 5-307, Transit Access and Circulation, the required facility would unnecessarily duplicate existing facilities; and
 5. For Sec. 5-1002, Potable Water Systems; or Sec. 5-1003, Sewer Systems, the utility that would otherwise serve the development cannot provide the service at the adopted level of service standard due to an inadequate central facility.
- B. For deviations from the standards for off-street parking (Sec. 5-204, Off-Street Parking Standards), landscaping (Section 5-4, Landscape Standards), and dimensional standards (see Chapter 3: Zoning Districts), whether or not the deviation will:
1. Improve the design of the proposed development under review;
 2. Preserve and promote the general intent of the LDC to protect the public health, safety, and welfare;
 3. Threaten the health, safety, or welfare of abutting property owners; and
 4. Create an undue burden on essential public facilities.

D. Appeal of Administrative Official Decision

1. Generally

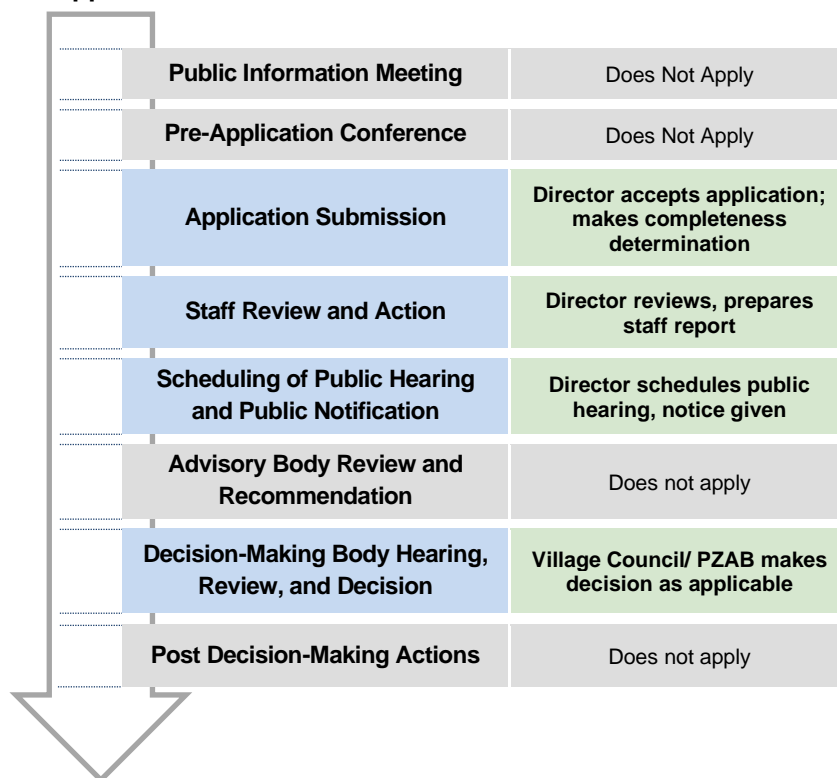
An applicant may appeal the final decision of the Director for the following:

- A. A limited development order or amendment thereto;
- B. A minor change to a development order;
- C. An administrative amendment to a PD;
- D. A tree removal/vegetation permit; or
- E. An administrative deviation.

2. Procedure for Appeal of Administrative Official

Figure 2-506.D.2 identifies key steps in the Appeal of Administrative Official procedure, with noted modifications from the general procedures.

Figure 2-506.D.2: Appeal of Administrative Official Procedure Flowchart



3. *Appeal Review Standards*

In reaching a decision, the Village Council or the PZDB, as applicable, shall consider the competent substantial evidence presented at the hearing and the plain and ordinary meaning of all applicable LDC provisions, unless the language is ambiguous, in which case the intent of the LDC provision applied or interpreted may be considered. The Village Council or the PZDB, as applicable, may reverse, affirm, or modify the administrative decision.

E. **Vested Rights**

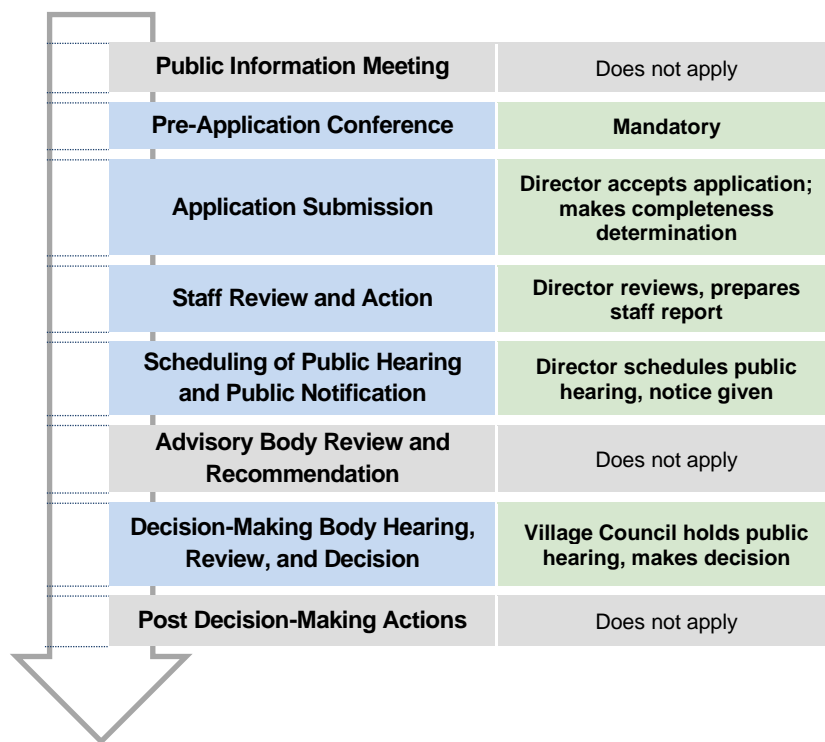
1. *Generally*

A property owner may apply for a determination that it has vested rights under Florida judicial standards or Florida statutes for development of its property based on a prior approval such that it is not required to comply with a particular requirement of this LDC.

2. *Vested Rights Procedure*

Figure 2-506.E.2 identifies key steps in the Vested Rights procedure, with noted modifications from the general procedures.

Figure 2-506.E.2: Vested Rights Procedure Flowchart



3. *Vested Rights Approval Standards*

The Village Council shall apply judicially defined principles of equitable estoppel to all claims of vested rights to a particular development not otherwise made on the basis that the vested rights are granted by state statute. In the case of statutory vested rights, the Village Council shall use the statutory standards to determine if the applicant is entitled to vested rights for a particular development. Village Council approval shall be based on substantial competent evidence that all of the following criteria, as applied under Florida law, are met:

- A. The applicant in good faith has relied on an affirmative governmental act on which the applicant had a right to rely;
- B. The applicant made substantial expenditures to the applicant's detriment in reliance on the governmental approval; and

- C. Balancing the actions of the applicant and the interest of the governmental regulation, it would be inequitable to prevent the landowner from proceeding according to the governmental act on which the applicant relied.

2-507. ADMINISTRATIVE INTERPRETATION

A. Generally

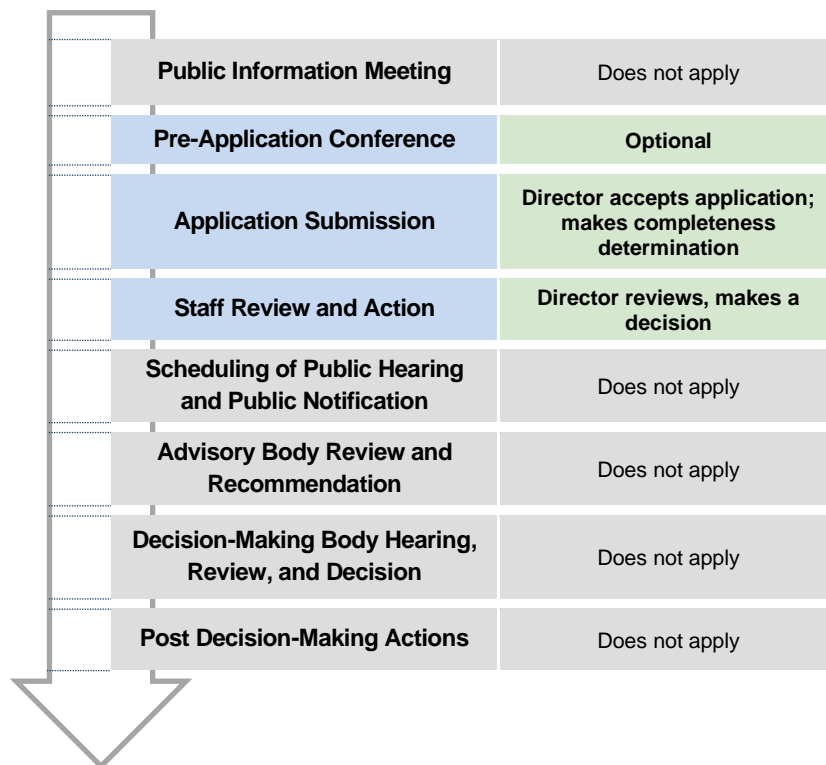
Where a question arises as to the meaning or intent of a section or subsection of this LDC, the Director may render written decisions of an administrative nature concerning items such as, but not limited to:

1. The proper zoning classification for a use not specifically addressed;
2. The interpretation of zoning district boundaries;
3. The manner in which the particular LDC provision is to be applied; and
4. The procedure to be followed in unusual circumstances.

B. Administrative Interpretation Procedure

Figure 2-507.B identifies key steps in the Administrative Interpretation procedure, with noted modifications from the general procedures.

Figure 2-507.B: Administrative Interpretation Procedure Flowchart



C. Standards for Administrative Interpretation

The Director shall interpret the LDC based on its plain meaning, or if the Director determines that there is ambiguity regarding the LDC provision, then the history and intent of the Village Council in enacting the provision shall be considered. If the LDC provision refers to or is based on text that requires reference to technical standards or words of art used by a particular profession, then the Director shall consult with those knowledgeable in the applicable profession. In the interpretation of zoning district boundaries, the Director shall apply the standards established in Sec. 10-201, Interpretation of District Boundaries. In the interpretation of unlisted uses, the Director shall apply the standards established in Sec. 10-202, Interpretation of Unlisted Uses. In the interpretation of unlisted accessory uses, the Director shall apply the standards in Sec. 4-201.D, Unlisted Accessory Uses and Structures.

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CHAPTER 3. ZONING DISTRICTS

SECTION 3-1. GENERAL PROVISIONS

3-101. COMPLIANCE WITH ZONING DISTRICT STANDARDS

Land in the Village shall not be developed except in accordance with the zoning district regulations of this chapter, and all other relevant provisions of this LDC.

3-102. ESTABLISHMENT OF ZONING DISTRICTS

This LDC establishes the conventional, planned development, and overlay zoning districts identified in Table 3-102: Establishment of Zoning Districts. The boundaries of each of the zoning districts are identified on the Official Zoning Map.

TABLE 3-102: ESTABLISHMENT OF ZONING DISTRICTS	
CONVENTIONAL DISTRICTS	
Agriculture District	
Agriculture (AG) District	
Residential Districts	
Residential Single Family (RSF) District	
Residential Multiple Family (RM-2) District	
Mobile Home (MH) District	
Recreational Vehicle (RV) District	
Commercial Districts	
Commercial Special Office (CS) District	
Urban Commercial Redevelopment (UCR) District	
Community Commercial (CC) District	
Special Purpose Districts	
Parks and Community Facilities (P) District	
Environmentally Critical (EC) District	
Legacy Districts	
PUDs and RPD-CPD	
PLANNED DEVELOPMENT DISTRICTS	
Residential Planned Development (RPD) District	
Community Facilities Planned Development (CFPD) District	
Commercial Planned Development (CPD) District	
Mixed-use Planned Development (MPD) District	
Estero Planned Development (EPD) District	
Compact Communities Planned Development (CCPD) District	

TABLE 3-102: ESTABLISHMENT OF ZONING DISTRICTS
OVERLAY DISTRICTS
Corkscrew Road Overlay District
US 41 Overlay District
Airport Compatibility Overlay District

3-103. ORGANIZATION OF ZONING DISTRICTS

A. Conventional Zoning Districts

1. Conventional zoning districts include Agriculture, Residential, Commercial, and Special Purpose districts, as shown in Table 3-102: Establishment of Zoning Districts. Conventional districts are established initially by the Village's adoption of this LDC, and subsequently by a zoning district map amendment (see Sec. 2-501.C, Rezoning (Zoning Map Amendment)).
2. The general purpose and standards of each conventional zoning district are set forth in Section 3-2, Agriculture District, through Section 3-6, Legacy Districts.
3. For each conventional zoning district, the regulations set out the district's purpose, the intensity and dimensional standards applicable in the district, the uses allowed in the district, and any zoning district regulations, if appropriate. Each conventional zoning district also includes an image or images of typical development in the district. Graphics are included for illustrative purposes only. If there is a conflict between an image and the text, the text controls.

B. Planned Development Districts

1. The general purpose of planned development (PD) districts, as shown in Table 3-102: Establishment of Zoning Districts, is set forth in Section 3-7, Planned Development Districts.
2. Planned development districts are adopted by the Village Council as zoning district map amendments in accordance with Sec. 2-501.D, Planned Development. The location of each specific planned development district is shown on the Official Zoning Map and recorded, as appropriate.
3. Planned development districts are subject to an approved PD Master Concept Plan, which establishes a plan for development, and specific rules for individual PD districts. As provided in Sec. 2-501.D, Planned Development, the PD Master Concept Plan is included with the adopting ordinance, and recorded as appropriate.
4. Lands may be reclassified from a conventional district to a planned development district in accordance with Sec. 2-501.D, Planned Development. Generally, PD districts require unified control of a parcel and allow for greater flexibility and a wider range of allowed uses than traditional conventional zoning districts allow, in return for innovative design, higher quality development, and community benefits.

C. Overlay Districts

1. Overlay zoning districts (see Table 3-102: Establishment of Zoning Districts), are established initially by the Village's adoption of this LDC, and subsequently amended by the future approval of a zoning district map amendment (see Sec. 2-501.C, Rezoning (Zoning Map Amendment)).
2. Standards governing development in an overlay zoning district shall apply in addition to, or instead of, the standards governing development in the underlying conventional zoning district or PD district, or may provide a more flexible alternative to conventional zoning district standards. If the regulations governing an overlay district expressly conflict with those governing an underlying conventional zoning district, the regulations governing the overlay district shall control, unless expressly stated to the contrary. If land is classified into multiple overlay districts and the regulations governing one overlay district expressly conflict with those governing another overlay district, the more restrictive regulations control.

SECTION 3-2. AGRICULTURE DISTRICT

3-201. GENERAL PURPOSE

The purpose and intent of the agricultural district is to provide appropriately located lands for agricultural and nursery production, agricultural support uses, low-density residential dwellings in a rural setting, and related uses.

3-202. AGRICULTURE ZONING DISTRICT

The agriculture zoning district is identified in Table 3-202: Agriculture Zoning District.

TABLE 3-202: AGRICULTURE ZONING DISTRICT
Agriculture (AG) District

3-203. AGRICULTURE (AG) DISTRICT

A. Purpose

The purpose of the Agriculture (AG) District is to provide lands to accommodate and maintain agricultural uses and low-density residential development. This is accomplished in the district by providing for agriculture as a primary use and accommodating single-family detached dwellings and mobile homes at low densities (5 acres per dwelling for mobile homes). Development allowed in the AG district includes agriculture uses, nurseries, agricultural support uses and businesses, single-family detached dwellings, animal care, and limited public facilities.

B. Concept



C. Use Table

The allowed principal and accessory uses in the AG District are identified in Table 3-203.C: AG District Uses

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
Bed and breakfast	S	Sec. 4-108
Community garden	P	Sec. 4-113
Cultural facility, noncommercial	S	
Day care center	S	Sec. 4-116
Dwelling, mobile home or Dwelling, single-family residence	P	Sec. 4-118
Nature center	S	
Park, Village, County, or State	E	Sec. 4-102
Place of worship or Religious facility	S	Sec. 4-102; Sec. 4-128; Sec. 4-131
Recreational facilities, outdoor	S	Sec. 4-129
Schools, elementary, middle, or high	S	Sec. 4-102; Sec. 4-135
Utility, major	S	Sec. 4-139
Utility, minor	P	Sec. 4-140
Accessory Uses		
Antenna	S	Sec. 4-201
Composting, small-scale	P	Sec. 4-201
Cool roof or Green roof	P	Sec. 4-201
Dock	P	Sec. 4-201; Sec. 4-202.C
Excavation for ponds accessory to single-family residences	P	Sec. 4-201; 4-202.F
Fences	P	Sec. 4-201
Garage or carport	P	Sec. 4-201
Greenhouse	S	Sec. 4-201
Home occupation	P	Sec. 4-201; Sec. 4-202.I
Satellite earth stations and amateur radio antennas	P	Sec. 4-201; Sec. 4-202.N
Solar energy collection facility, small-scale	P	Sec. 4-201; Sec. 4-202.O
Storage shed	P	Sec. 4-201
Swimming pools, tennis courts, porches, decks, and similar recreational facilities	P	Sec. 4-201; Sec. 4-202.P

NOTES:

[1] For a specific explanation of how to use the use table, see Appendix A: Use Table.

D. Density and Dimensional Standards		
Lot area (ft ²)		39,500 ^[1]
Lot coverage, max (percent of total area)		25
Lot width, min. (ft.)		100
Lot depth, min (ft.)		130
Side setback, min. (ft.)		25
Rear setback, min. (ft.)		25
Street setback, min. (ft.)		
Local or private (ft.)		20 ^[2]
Collector or arterial (ft.)		25 ^[2]
Waterbody setback, min. (ft.)		25 feet from the edge of the waterbody
Accessory use setback, min (ft/)		
Street (ft.)		20 / 25 / 100 ^[3]
Side (ft.)		10
Rear (ft.)		5
Building height, max. (ft.)		35
Density (max.) (DUs/Acre)		1 / 1 per 5 ^[4]

NOTES:

- [1] The minimum area for a corner lot is one acre.
- [2] Setback from edge of right-of-way or street easement line.
- [3] 20 local or private street, 25 collector or arterial. Also any accessory structure shall either be set back at least as far as the principal structure, or 100 feet, whichever is less.
- [4] Generally one, except for mobile homes maximum density is one mobile home unit per five acres.

SECTION 3-3. RESIDENTIAL DISTRICTS

3-301. GENERAL PURPOSE

The purpose of the residential zoning districts is to:

- A. Provide appropriately located lands for residential development that are consistent with the goals, policies, and objectives of the comprehensive plan;
- B. Support and preserve the development pattern and character of established neighborhoods;
- C. Provide a range and diversity of housing choices to meet the needs of the Village's citizens;
- D. Provide for safe and efficient vehicular, bicycle, and pedestrian access and circulation, and neighborhoods that promote multiple forms of mobility;
- E. Protect residential neighborhoods from incompatible development;
- F. Protect residential districts from flooding and other adverse environmental impacts;
- G. Provide for the public services and facilities needed to serve residential development;
- H. Maintain the Village's neighborhoods as safe and convenient places to live;
- I. Ensure compatible infill development; and
- J. Promote green building practices in terms of energy efficiency and conservation, the use of alternative energy, greenhouse gas reduction, water supply and water quality protection, food security, materials recycling, and similar goals.

3-302. RESIDENTIAL DISTRICTS

The residential zoning districts in this LDC are identified in Table 3-302: Residential Zoning Districts.

TABLE 3-302: RESIDENTIAL ZONING DISTRICTS
Residential Single Family (RSF) District
Residential Multiple Family (RM-2) District
Mobile Home (MH) District
Recreational Vehicle (RV) District

3-303. RESIDENTIAL SINGLE FAMILY (RSF) DISTRICT

A. Purpose

The purpose of the Residential Single Family (RSF) District is to provide lands that accommodate primarily single-family detached dwellings on lots with a minimum area of 7,500 square feet. District regulations discourage development that substantially interferes with the quiet residential nature of the district.

B. Concept



C. Use Table

The allowed principal and accessory uses in the RSF District are identified in Table 3-303.C: RSF District Uses

TABLE 3-303.C: RSF DISTRICT USES [1]		
P = Permitted; S = Permitted by approval of a Special Exception;		
E = Existing Only as of [] (insert effective date of LDC); Not listed = Prohibited		
Use Type	Permission	Use Specific Standard
Principal Uses		
Community garden	P	Sec. 4-113
Day care center	S	Sec. 4-116
Dwelling, mobile home	E	Sec. 4-118
Dwelling, single-family residence	P	
Golf course	P	
Park, Village, County, or State	E	Sec. 4-102;
Place of worship	S	Sec. 4-102; Sec. 4-128
Schools, elementary, middle, or high	S	Sec. 4-102; Sec. 4-135
Utility, minor	P	Sec. 4-140
Wireless telecommunications	S	Sec. 4-143
Accessory Uses		
Accessory apartment	S	Sec. 4-201; Sec. 4-202.A
Antenna	P	Sec. 4-201
Bike parking rack or Share station	P	Sec. 4-201
Clubhouse (as accessory to a residential development, golf, or tennis facility)	P	Sec. 4-201
Community recreation facility (as accessory to a residential development)	P	Sec. 4-201
Composting, small-scale	P	Sec. 4-201
Cool roof	P	Sec. 4-201
Dock	P	Sec. 4-201; Sec. 4-202.C
Electric vehicle (EV) level 1 or 2 charging station	P	Sec. 4-201; Sec. 4-202.E
Excavation for ponds accessory to single-family residences	S	Sec. 4-201; Sec. 4-202.F
Fences	P	Sec. 4-201
Garage or carport	P	Sec. 4-201
Home occupation	P	Sec. 4-201; Sec. 4-202.I
Park, private as accessory use	S	Sec. 4-201
Pickleball facilities	S	Sec. 4-202.M
Satellite earth stations and amateur radio antennas	P	Sec. 4-201; Sec. 4-202.N
Solar energy collection facility, small-scale	P	Sec. 4-201; Sec. 4-202.O
Storage shed	P	Sec. 4-201
Swimming pools, tennis courts, porches, decks, and similar recreational facilities	P	Sec. 4-201; Sec. 4-202.P

NOTES:

[1] For a specific explanation of how to use the use table, see Appendix A: Use Table.

D. Density and Dimensional Standards

Lot area (ft ²)	7,500
Lot coverage, max (percent of total area)	40
Lot width, min. (ft.)	75
Lot depth, min (ft.)	100
Side setback, min. (ft.)	7.5
Rear setback, min. (ft.)	20
Street setback, min.(ft.)	
Local or private (ft.)	20 ^[1]
Collector or arterial (ft.)	25 ^[1]
Waterbody setback, min. (ft.)	25 feet from the edge of the waterbody
Accessory use setback, min (ft/)	
Street (ft.)	20 / 25 ^[2]
Side (ft.)	7.5
Rear (ft.)	5
Building height, max. (ft.)	35
Density (max.)	See comprehensive plan

NOTES:

[1] Setback from edge of right-of-way or street easement line.

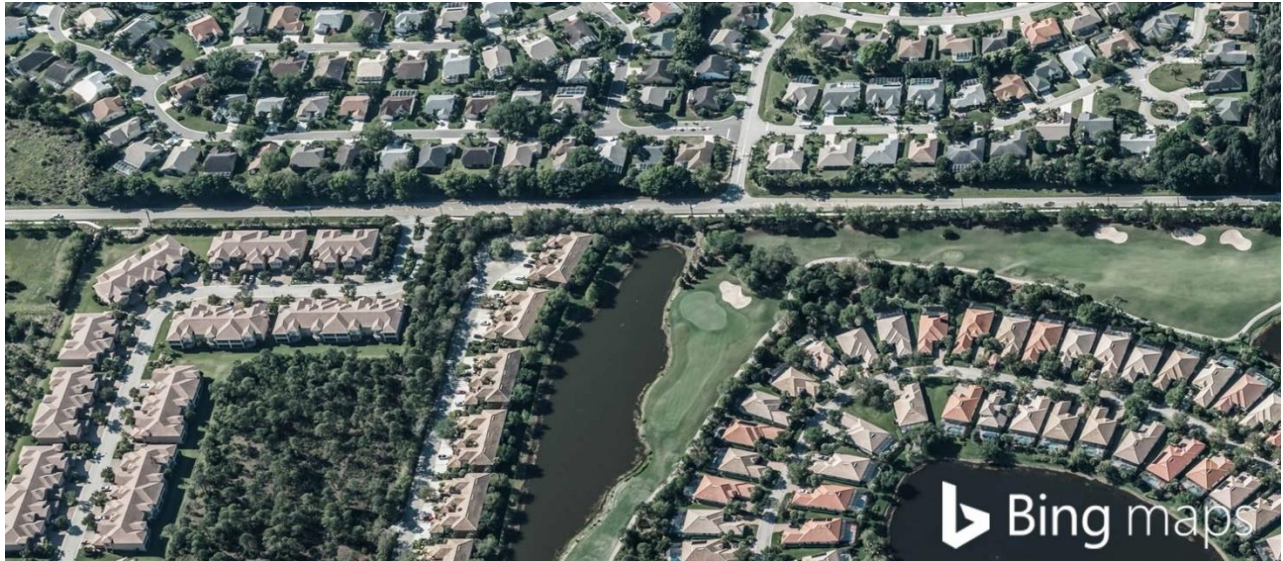
[2] 20 local or private street, 25 collector or arterial.

3-304. RESIDENTIAL MULTIPLE FAMILY (RM-2) DISTRICT

A. Purpose

The purpose of the Residential Multiple Family (RM-2) District is to provide for regulation of lands with an existing designation of RM-2 in appropriate locations that accommodate primarily small and medium scale two-family attached, townhouse, multifamily, and single-family detached development. It is the intent of the Village Council in establishing this district, and applying it to the Official Zoning Map that upon the adoption of this LDC, the RM-2 district not be applied to any additional lands in the Village.

B. Concept



C. Use Table

The allowed principal and accessory uses in the RM-2 District are identified in Table 3-305.C: RM-2 District Uses.

TABLE 3-305.C: RM-2 DISTRICT USES [1]

**P = Permitted; S = Permitted by approval of a Special Exception;
E = Existing Only as of [] (insert effective date of LDC); Not listed = Prohibited**

Use Type	Permission	Use Specific Standard
Principal Uses		
Bed & breakfast	P	Sec. 4-108
Community garden	P	Sec. 4-113
Community residential home	P	
Continuing care retirement community	P	Sec. 4-114
Cultural facility, noncommercial	S	
Day care center	S	Sec. 4-116
Dwelling, mobile home	E	Sec. 4-118
Dwelling, single-family residence	P	
Dwelling, multiple-family	P	
Dwelling, townhouse	P	
Dwelling, two-family attached	P	
Golf course	E	Sec. 4-112
Nursing Home	P	Sec. 4-125
Park, Village, County, or State ,	P	
Place of worship and Religious facility	P	Sec. 4-102; Sec. 4-128; Sec. 4-131
Recreational facilities, outdoor	S	Sec. 4-129
Schools, elementary, middle, or high	P	Sec. 4-102; Sec. 4-135
Utility, minor	P	Sec. 4-140
Wireless telecommunications	S	Sec. 4-143
Accessory Uses		
Antenna	P	Sec. 4-201
Automated teller machine (ATM)	P	Sec. 4-201
Bike parking rack or Share station	P	Sec. 4-201
Clubhouse (as accessory to a residential development, golf, or tennis facility)	P	Sec. 4-201
Community recreation facility (as accessory to a residential development)	P	Sec. 4-201
Composting, small-scale	P	Sec. 4-201
Cool roof	P	Sec. 4-201
Dock	P	Sec. 4-201; Sec. 4-202.C
Electric vehicle (EV) level 1 or 2 charging station	P	Sec. 4-201; Sec. 4-202.E
Excavation for ponds accessory to single family residences	P	Sec. 4-201; Sec. 4-202.F
Fences	P	Sec. 4-201
Garage or carport	P	Sec. 4-201
Home occupation	P	Sec. 4-201; Sec. 4-202.I
Laundromat (as accessory to a multifamily dwelling or mobile home park)	P	Sec. 4-201
Pickleball facilities	S	Sec. 4-201; Sec. 4-202.M
Satellite earth stations and amateur radio antennas	P	Sec. 4-201; Sec. 4-202.N

TABLE 3-305.C: RM-2 DISTRICT USES [1]

**P = Permitted; S = Permitted by approval of a Special Exception;
E = Existing Only as of [] (insert effective date of LDC); Not listed = Prohibited**

Use Type	Permission	Use Specific Standard
Solar energy collection facility, small-scale	P	Sec. 4-201; Sec. 4-202.O
Storage shed	P	Sec. 4-201
Swimming pools, tennis courts, porches, decks, and similar recreational facilities	P	Sec. 4-201; Sec. 4-202.P

NOTES:

[1] For a specific explanation of how to use the use table, see Appendix A: Use Table.

D. Density and Dimensional Standards

STANDARD	SINGLE-FAMILY (ATTACHED)	TWO-FAMILY AND TOWNHOUSE	MULTIFAMILY	NONRESIDENTIAL
Lot area, min (ft ²)	6,500 ^l	7,500	10,000	10,000
Lot area per unit (ft ²)	N/A	3,750	3,000	N/A
Lot coverage, max. (percent of total area)	45	45	45	45
Lot width, min. (ft.)	65	37.5/unit	100	75
Lot depth, min (ft.)	100	100	100	100
Side yard setback, min. (ft.)	7	7	20	20
Rear yard setback, min. (ft.)	20	20	20	20
Street setback, min. (ft.)				
Local or private (ft.)	20 ^[1]			
Collector or arterial (ft.)	25 ^[1]			
Waterbody setback, min. (ft.)	25 feet from the edge of the waterbody			
Accessory use setback, min (ft/)				
Street (ft.)	20 / 25 ^[2]			
Side (ft.)	7	7	10	10
Rear (ft.)	5			
Building height, max. (ft.)	35	35	35	35
Density/Intensity (max.)	See comprehensive plan			

NOTES:

[1] Setback from edge of right-of-way or street easement line.

[2] 20 local or private street, 25 collector or arterial.

3-305. MOBILE HOME (MH) DISTRICT

A. Purpose

The purpose and intent of the Mobile Home (MH) District is to provide lands to accommodate the housing needs of those residents who prefer mobile home living as an alternative to conventional residential development, in appropriate locations in the Village. Uses allowed in the district include primarily mobile home dwellings, single-family detached dwellings, essential services, administrative offices, recreation facilities, laundromats, boat ramps, and other related accessory uses. The general layout of the district is designed to ensure potential adverse impacts on surrounding development is mitigated. It is the intent of the district standards to allow reasonable additional investment by allowing the replacement of single-wide mobile homes with double-wide mobile homes (as long as the replacement complies with the dimensional standards of the district), the replacement of mobile homes damaged by storm event, the replacement of a mobile home by a new mobile home as long as it is placed on the same building footprint, actions that would make the mobile homes less nonconforming, and actions that ensure the mobile home is maintained in good condition.

The MH District is a district originally established in the Lee County Land Development Code, and carried forward in this LDC. It is the intent of the Village Council in establishing this district, and applying it to the Official Zoning Map that upon the adoption of this LDC, the MH district not be applied to any additional lands in the Village.

B. Concept



C. Use Table

The allowed principal and accessory uses in the MH District are identified in Table 3-305.C: MH District Uses.

TABLE 3-305.C: MH DISTRICT USES [1]

**P = Permitted; S = Permitted by approval of a Special Exception;
E = Existing Only as of [] (insert effective date of LDC); Not listed = Prohibited**

Use Type	Permission	Use Specific Standard
Principal Uses		
Community garden	P	Sec. 4-113
Day care center	S	Sec. 4-116
Dwelling, mobile home	P	Sec. 4-118
Dwelling, single-family residence	P	
Park, Village, County, or State	E	
Place of worship and Religious facility	S	Sec. 4-102; Sec. 4-128; Sec. 4-131
Recreational facilities, outdoor	S	Sec. 4-129
Utility, minor	P	Sec. 4-140
Wireless telecommunications	S	Sec. 4-143
Accessory Uses		
Antenna	P	Sec. 4-201
Bike parking rack or Share station	P	Sec. 4-201
Clubhouse (as accessory to a residential development, golf, or tennis facility)	P	Sec. 4-201
Community recreation facility (as accessory to a residential development)	P	Sec. 4-201
Dock	P	Sec. 4-201; Sec. 4-202.C
Fences	P	Sec. 4-201
Garage or carport	P	Sec. 4-201
Home occupation	P	Sec. 4-201; Sec. 4-202.I
Satellite earth stations and amateur radio antennas	P	Sec. 4-201
Swimming pools, tennis courts, porches, decks, and similar recreational facilities	P	Sec. 4-201

NOTES:

[1] For a specific explanation of how to use the use table, see Appendix A: Use Table..

D. Density and Dimensional Standards		
Standard	Residential	Nonresidential
Lot area (ft ²)	7,500 ^[1]	10,000 ^{[1][2]}
Lot coverage, max (percent of total area)	40	
Lot width, min. (ft.)	50	100
Lot depth, min (ft.)	100	100
Side setback, min. (ft.)		
Internal park lot (ft.)	7	15
Park perimeter lot (ft.)	7	15
Rear setback, min. (ft.)		
Internal park lot (ft.)	15	20
Park perimeter lot (ft.)	15	20
Street setback, min. (ft.)		
Local or private (ft.)	20 ^[2]	
Collector or arterial (ft.)	25 ^[2]	
Waterbody setback, min. (ft.)	25 feet from the edge of the waterbody	
Accessory use setback, min (ft/)		
Street (ft.)	20 / 25 ^[4]	
Side (ft.)	7	10
Rear (ft.)	5	
Building height, max. (ft)	35	

NOTES:

- [1] Mobile home residential developments shall provide emergency shelters in accordance with the provisions of Sec. 4-118.F.
- [2] Setback from edge of right-of-way or street easement line.
- [3] Lot sizes and dimensional standards for recreational vehicle and mobile home parks approved pursuant to Lee County Ordinance 86-36 shall be in accordance with the approved site plan and ordinance.
- [4] 20 local or private street, 25 collector or arterial.
- [5] See Sec. 9-504, Placement of Mobile Home or Recreational Vehicle on Lot

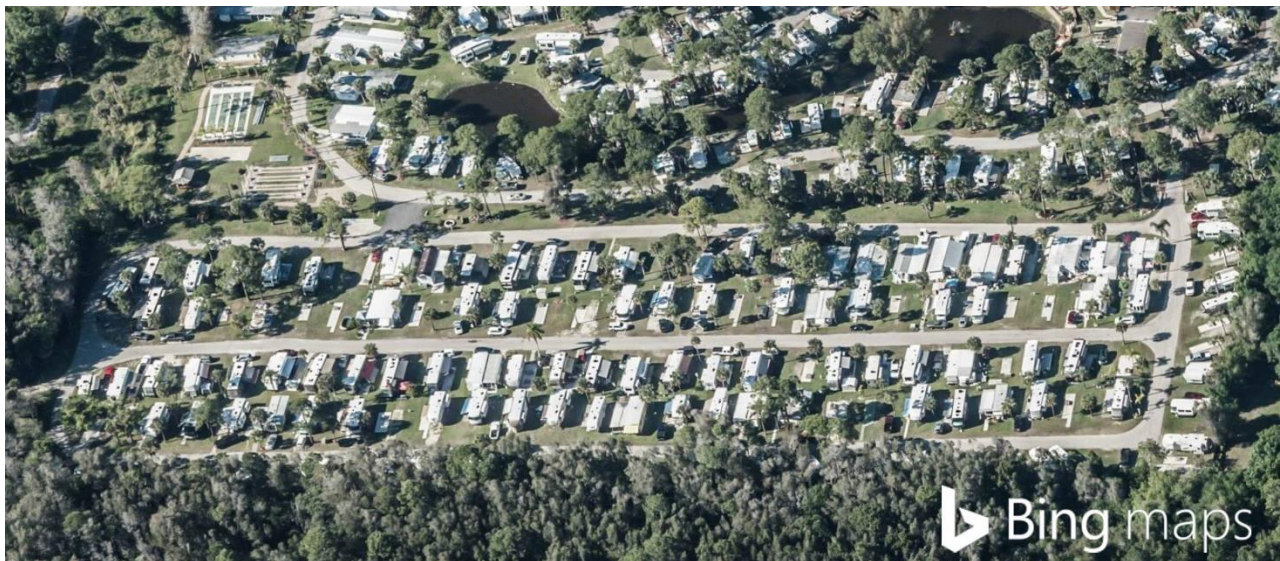
E. Other Standards	
Replacement of mobile home	Replacement of a mobile home with another mobile home occupying the same footprint as the existing home is permitted. Replacement of a mobile home with a single-family dwelling is permitted on lots that meet the minimum lot area requirement, all other dimensional standards of this section, and all other requirements of this LDC.
Replacement, remodel, or expansion of common areas	Replacement, remodel, or expansion of common or recreation areas is only be permitted if the overall development complies with Section 5-4, Landscape Standards; Section 5-5, Fence and Wall Standards; Section 5-8, Green Building Standards, and a type D buffer is established around the perimeter of the development.

3-306. RECREATIONAL VEHICLE (RV) DISTRICT

A. Purpose

The purpose of the Recreational Vehicle (RV) District is to provide lands to accommodate seasonal (persons living in the units less than six months a year) or transient living in recreational vehicles and campgrounds. It is the intent of the district standards to allow reasonable additional investment by allowing the replacement of RV units with new or larger recreational vehicle unit as long as the unit complies with the dimensional standards of the district, and the replacement of recreational vehicles if the unit is damaged by storm event. The RV district is a district originally established in the Lee County Land Development Code, and carried forward in this LDC. It is the intent of the Village Council in establishing this district and applying it to the Official Zoning Map upon the adoption of this LDC, that the RV District not be applied to any additional lands in the Village.

B. Concept



C. Use Table

The allowed principal and accessory uses in the RV District are identified in Table 3-306: RV District Uses.

TABLE 3-306: RV DISTRICT USES [1]

**P = Permitted; S = Permitted by approval of a Special Exception;
 E = Existing Only as of [] (insert effective date of LDC); Not listed = Prohibited**

Use Type	Permission	Use Specific Standard
Principal Uses		
Day care center	S	Sec. 4-116
Dwelling, single-family residence	E	
Recreational vehicle	P	
Utility, minor	P	Sec. 4-140
Wireless telecommunications	S	Sec. 4-143
Accessory Uses		
Accessory structures for Recreational Vehicle (RV) development	P	
Antenna	P	Sec. 4-201
Bike parking rack or Share station	P	Sec. 4-201
Clubhouse (as accessory to a residential development, golf, or tennis facility)	P	Sec. 4-201
Community recreation facility (as accessory to a residential development)	P	Sec. 4-201
Dock	P	Sec. 4-201; Sec. 4-202.C
Fences	P	Sec. 4-201
Garage or carport	P	Sec. 4-201
Satellite earth stations and amateur radio antennas	P	Sec. 4-201
Swimming pools, tennis courts, porches, decks, and similar recreational facilities	P	Sec. 4-201

NOTES:

[1] For a specific explanation of how to use the use table, see Appendix A: Use Table.

D. Density and Dimensional Standards	
Standard	All Uses
Lot area (ft ²)	2,000
Lot coverage, max (percent of total area)	40
Lot width, min. (ft.)	30
Lot depth, min (ft.)	55
Distance between recreational vehicles	10 ^[1] ^[2]
Distance from park perimeter	40 ^[3] ^[4]
Side setback, min. (ft.)	5
Rear setback, min. (ft.)	[1] [2] [5]
Street setback, min. (ft.)	
Local or private (ft.)	20 ^[6]
Collector or arterial (ft.)	25 ^[6]
Waterbody setback, min. (ft.)	25 feet from the edge of the waterbody
Accessory use setback, min (ft/)	
Street (ft.)	20 / 25 ^[7]
Side (ft.)	5
Rear (ft.)	5
Building height, max. (ft.)	35

NOTES:

- [1] No recreational vehicle or enclosed appurtenance shall be located closer than 25 feet to any common use accessory building.
- [2] No recreational vehicle or enclosed appurtenance shall be placed closer than ten feet to a recreational vehicle park perimeter boundary, a recreational vehicle park building, or to another recreational vehicle or enclosed appurtenance under separate ownership.
- [3] All recreational vehicle parks shall provide an open space a minimum of 40 feet wide that is adjacent to and completely around the boundary of the site, except for portions of the park adjacent to land classified in the MH district. No road shall be placed closer than 40-feet from an open space area.
- [4] All recreational vehicle parks developed after 1978 shall provide a vegetative visual screen with a minimum height of eight feet within the 40-foot open space area that is completely around the site of a park (except for portions of the park adjacent to land classified in the MH district).
- [5] A roof overhang or eave may encroach into the required ten-foot separation if the encroachment is 12 inches or less.
- [6] Setback from edge of right-of-way or street easement line.
- [7] 20 local or private street, 25 collector or arterial.
- [8] Lot sizes and dimensional standards for recreational vehicle and mobile home parks approved pursuant to Lee County Ordinance 86-36 shall be in accordance with the approved site plan and ordinance.
- [9] See Sec. 9-504, Placement of Mobile Home or Recreational Vehicle on Lot

E. Other Standards	
RVs Not Permanent Residences	The use of a recreational vehicle unit by a permanent resident as a permanent residence, as the terms are defined in Ch. 196, Fla. Stat., is expressly prohibited.
Tiedowns	(1) The following recreational vehicles shall be properly tied down in accordance with the standards in F.A.C. 15C-1, as follows: <ul style="list-style-type: none"> (a) All permanent units. (b) All travel trailers, motor homes or camping trailers left unattended for more than two weeks during the months of June through December. For purposes of this section only, the term “unattended” is interpreted to mean that the owner of the unit has not provided for a person to be responsible for the unit in the event of a hurricane watch alert as set forth in subsection (2) below. (2) All travel trailers, motor homes, or camping trailers shall be tied down within 48 hours of the issuance of a hurricane watch for the Village by the National Hurricane Center. Travel trailers, motor homes or camping trailers not tied down will be removed within 48 hours of such a hurricane watch, or placed within an approved off-lot storage area.
Additions to RVs	Additions to recreational vehicles, including utility rooms and enclosures, are allowed in RV parks designed for seasonal use on permanent units, if:

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	<ul style="list-style-type: none"> (1) The individual recreational vehicle site meets or exceeds the minimum required lot area for the RV District. (2) The total floor area of additions, excluding open decks and stair landings, does not exceed the total floor area of the recreational vehicle. (3) The maximum height of additions does not exceed one story or the height of the recreational vehicle, whichever is less. (4) Open decks, up to 120 square feet in area, comply with all setback requirements. (Stair landings incorporated into a deck shall be included in the square footage of the deck.) The deck may be enclosed with screen (no other material) and covered with a metal pan roof. (5) A stair or stair landings attached to an addition and not incorporated into an open deck is permitted to encroach three feet into the side and rear setbacks. Stair landings shall not exceed 18 square feet in area. (6) Utility rooms and enclosures comply with the dimensional standards of this district and are no closer than ten feet to another recreational vehicle, utility room or enclosure.
Maintenance and Replacement	RVs may be maintained, replaced, or replaced with larger RVs provided required lot setbacks are met.
Off-Lot Storage	<p>Off-lot storage facilities for recreational vehicles is allowed for periods of non-occupancy. All off-lot storage facilities shall comply with the following:</p> <ul style="list-style-type: none"> (1) A continuous visual screen shall be provided that is at least eight feet in height along any lot line abutting a residential use under separate ownership. (2) The off-lot storage area is limited to ten percent of the total area of the recreational vehicle park. (3) The off-lot storage area shall comply with all the requirements of this LDC, and all other Village laws and regulations.

SECTION 3-4. COMMERCIAL DISTRICTS

3-401. GENERAL PURPOSE

The commercial zoning districts are established for the general purpose of ensuring there are lands in the Village that provide a range of retail, office, service, lodging, employment, light industrial, and related development to meet the needs of the Village's residents and visitors, as well as the residents of the region. More specifically, the commercial zoning districts are established to:

- A. Strengthen the Village's economic base, and provide employment, retail, lodging, and related commercial opportunities close to home for Village residents;
- B. Provide appropriately located lands for a full range of business and commercial uses needed by the Village's residents, businesses, workers, and visitors, as well as residents of the region, consistent with the goals, objectives, and policies of the comprehensive plan;
- C. Create suitable environments for various types of mixed-use development, where business, office, retail, service, lodging, and residential development is designed and integrated in compatible ways;
- D. Encourage, support, and ensure a high quality design in retail, office, lodging, service, employment, and related development in the Village;
- E. Accommodate new infill development and redevelopment that is consistent with the goals, objectives, and policies of the comprehensive plan, especially along certain of the Village's older commercial corridors;
- F. Ensure commercial development is located and designed to protect and preserve the character of residential single-family neighborhoods; and
- G. Create suitable environments for various types of businesses, and protect them from the adverse effects of incompatible development.

3-402. COMMERCIAL ZONING DISTRICTS

The commercial zoning districts in this LDC are identified in Table 3-402: Commercial Zoning Districts.

TABLE 3-402: COMMERCIAL ZONING DISTRICTS
Commercial Special Office (CS) District
Urban Commercial Redevelopment (UCR) District
Community Commercial (CC) District

3-403. COMMERCIAL SPECIAL OFFICE DISTRICT (CS)

A. Purpose

The purpose of the Commercial Special Office (CS) district is to provide lands that accommodate and support suitable locations for the development of offices, and a number of other low-impact uses subject to special exception approval. The district is intended to be used to separate and buffer residential and other low- or medium-intensity uses, such as schools or parks, from higher-intensity commercial and light industrial uses.

B. Concept



C. Use Table

The allowed principal and accessory uses in the CS District are identified in Table 3-403.C: CS District Uses

TABLE 3-403.C: CS DISTRICT USES

P = Permitted; S = Permitted by approval of a Special Exception;

E = Existing Only as of [] (insert effective date of LDC); Not listed = Prohibited

Use Type	Permission	Use Specific Standard
Principal Uses		
Clubs, lodges, or community-oriented associations	P	
Counseling, nonresidential	P	
Schools, elementary, middle, or high	P	
Food or beverage, limited service	S	
Medical or dental lab	S	
Nursing home	S	Sec. 4-125
Office, general business	P	Sec. 4-112
Office, medical	P	Sec. 4-112
Outpatient care facilities	S	Sec. 4-126
Personal services group I	S	Sec. 4-112
Research and development laboratories	S	
Utility, minor	P	Sec. 4-140
Vocational or trade school	S	
Accessory Uses		
Automated teller machine (ATM)	P	Sec. 4-201
Drive-through facility	P	Sec. 4-202.D

NOTES:

[1] For a specific explanation of how to use the use table, see Appendix A: Use Table.

D. Density and Dimensional Standards	
Standard	All Uses
Lot area (ft ²)	7,500
Lot coverage, max (percent of total area)	50
Lot width, min. (ft.)	50
Lot depth, min (ft.)	100
Side setback, min. (ft.)	10 ^[1]
Rear setback, min. (ft.)	20 ^[1]
Street setback, min. (ft.)	
Local or private (ft.)	20 ^[2]
Collector or arterial (ft.)	25 ^[2]
Waterbody setback, min. (ft.)	25 feet from the edge of the waterbody
Accessory use setback, min (ft.)	
Street (ft.)	20 / 25 ^[3]
Side (ft.)	10 ^[4]
Rear (ft.)	10 ^[4]
Building height, max. (ft.)	35
Intensity/density	See comprehensive plan

NOTES:

- [1] 30 feet when adjacent to a residential use or Residential district.
- [2] Setback from edge of right-of-way or street easement line.
- [3] 20 local or private street, 25 collector or arterial.
- [4] The greater of 10 ft. or the amount of space necessary to hold a required buffer.

3-404. URBAN COMMERCIAL REDEVELOPMENT (UCR) DISTRICT

A. Purpose

The purpose of the Urban Commercial Redevelopment (UCR) District is to provide lands that accommodate and support development, infill, and redevelopment in a high quality, more walkable, and mixed-use context, and fosters the development of unique destinations rather than strip development patterns. Development allowed in the district includes community and neighborhood serving retail, office, lodging (hotels), assisted living, government (public and quasi-public), civic, residential, and mixed-use development. The vertical mixing of residential and nonresidential uses within a single project, with residential development above the ground floor, is strongly encouraged. The horizontal mixing of well-integrated stand-alone residential and nonresidential development is also encouraged.

B. Concept



C. Use Table

The allowed principal and accessory uses in the UCR District are identified in Table 3-404.C: UCR District Uses.

TABLE 3-404.C: UCR DISTRICT USES [1]

**P = Permitted; S = Permitted by Special Exception;
E = Existing Only as of [] (insert effective date of LDC); Not listed = Prohibited**

Use Type	Permission	Use Specific Standard
Principal Uses		
Bait and tackle shop	P	
Banks and financial institutions	P	Sec. 4-112
Cinemas and theaters	S	Sec. 4-112
Clubs, lodges, or community-oriented associations	P	
Day care center	P	Sec. 4-116
Drugstore	P	Sec. 4-112
Dwelling, live-work	P	Sec. 4-117
Dwelling, multiple-family	P	Sec. 4-119
Dwelling, townhouse	P	
EMS, fire, or sheriff's station	P	
Grocery store or food market	P	Sec. 4-112
Hotels/motels	P	Sec. 4-123
Dryclean and laundry services	P	Sec. 4-112
Library	P	
Medical or dental lab	P	
Office, contractors or general business	P	Sec. 4-112
Office, medical	P	Sec. 4-112
Park, Village, County, or State	E	Sec. 4-102
Repair shop, household	P	Sec. 4-112
Personal services group I or group II	P	Sec. 4-112
Recreational facilities, indoor	P	
Restaurant, Standard	P	Sec. 4-132; Sec. 4-133
Retail sales group I	P	Sec. 4-112
Utility, minor	P	Sec. 4-140
Accessory Uses		
Antenna	P	Sec. 4-201
Automated teller machine (ATM)	P	Sec. 4-201
Bike parking rack or Bike share station	P	Sec. 4-201
Clubhouse (as accessory to a residential development, golf, or tennis facility)	P	Sec. 4-201
Community garden	P	Sec. 4-201; Sec. 4-113
Community recreation facility (as accessory to a residential development)	P	Sec. 4-201
Composting, small-scale	P	Sec. 4-201
Cool roof or Green roof	P	Sec. 4-201
Drive-through facility	P	Sec. 4-201; Sec. 4-202.D
Dock	P	Sec. 4-201; Sec. 4-202.C
Electric vehicle (EV) level 1 or 2 charging station	P	Sec. 4-201; Sec. 4-202.E

TABLE 3-404.C: UCR DISTRICT USES [1]

**P = Permitted; S = Permitted by Special Exception;
E = Existing Only as of [] (insert effective date of LDC); Not listed = Prohibited**

Use Type	Permission	Use Specific Standard
Electric vehicle (EV) level 3 charging station	P	Sec. 4-201; Sec. 4-202.E
Fences	P	Sec. 4-201
Garage or carport	P	Sec. 4-201
Home occupation	P	Sec. 4-201; Sec. 4-202.I
Outdoor display of merchandise (as accessory to a retail sales use)	P	Sec. 4-201
Satellite earth stations and amateur radio antennas	P	Sec. 4-201; Sec. 4-202.N
Solar energy collection facility, small-scale	P	Sec. 4-201; Sec. 4-202.O
Swimming pools, tennis courts, porches, decks, and similar recreational facilities	P	Sec. 4-201; Sec. 4-202.P

NOTES:

[1] For a specific explanation of how to use the use table, see Appendix A: Use Table.

D. Density and Dimensional Standards

Standard	Two-family attached and townhouse	Nonresidential and mixed-use ^[4]
Lot area (ft ²)	[1]	20,000
Lot coverage, max (percent of total area)	45	
Lot width, min. (ft)	100	
Lot depth, min (ft)	100	
Side setback, min. (ft)	15 ^[2]	15
Rear setback, min. (ft)	25 ^[2]	25
Street setback, min. (ft.)		
Local or private (ft.)	20 ^[3]	
Collector or arterial (ft.)	25 ^[3]	
Waterbody setback, min. (ft.)	25 feet from the edge of the waterbody	
Accessory use setback, min (ft/)		
Street (ft.)	20 / 25 ^[5]	
Side (ft.)	10 ^[6]	
Rear (ft.)	10 ^[6]	
Building Height, max. (ft)	45	
Intensity/density	See comprehensive plan	

NOTES:

- [1] First two dwelling units in the same building: 7,500 square feet. Each additional dwelling unit: additional 3,000 square feet.
- [2] The structures on the whole parcel on which the project is developed shall comply with the setbacks, as measured from the boundaries of the whole parcel.
- [3] Setback from edge of right-of-way or street easement line.
- [4] Multifamily dwelling may be developed in a vertical mixed-use development as an allowed permitted use.
- [5] 20 local or private street, 25 collector or arterial.
- [6] The greater of 10 ft. or the amount of space necessary to hold a required buffer.

E. Other Standards

Architectural Standards	All new development and redevelopment shall meet the standards of Chapter 5: Site Development Standards.
Connectivity	To the maximum extent practicable, the vehicular and pedestrian circulation systems of the development should be designed to allow vehicular and pedestrian cross-access between the site and adjacent parcels of land. The Director may waive or modify this requirement on determining that such cross-access is impractical due to site constraints, or if it is inappropriate due to traffic safety issues, or it is undesirable due to the proposed development's incompatibility with existing development on the adjacent parcel. Easements allowing vehicular or pedestrian cross-access between adjoining parcels of land, along with agreements defining maintenance responsibilities of the property owners, shall be recorded in the appropriate land records.
Pedestrian Circulation	Sidewalks shall be provided on the sides of the street, with a planting strip that is five feet in width. Street trees shall be planted at one per 40 feet on center (on average), ground cover and/or grates shall be located in the planting strip area). Sidewalks shall be at least five feet wide along local street frontages. Where a sidewalk or other walkway crosses a street, driveway, drive aisle, or parking lot, the crossing shall be clearly marked with a change in paving material, color, or height, or with decorative bollards.
Parking	<p>To the maximum extent practicable, 50 percent of new or additional surface vehicle parking shall be located to the side or rear of the development's principal building(s) or in a parking structure.</p> <p>To the maximum extent practicable, surface parking lots with more than 100 parking spaces shall be organized into smaller modules that contain 50 or fewer spaces each and are visually separated by buildings or landscaped areas.</p> <p>All vehicle parking lots and structures containing more than 50 parking spaces shall provide clearly identified pedestrian routes between parking areas and a primary pedestrian entrance(s) to the building(s) served by the parking area.</p>

3-405. COMMUNITY COMMERCIAL (CC) DISTRICT

A. Purpose

The purpose of the Community Commercial (CC) District is to provide lands that accommodate high quality, medium-scale, community-serving commercial development (particularly shopping centers). The primary allowed uses include retail sales, personal services, eating and drinking establishments, offices, recreation/entertainment uses, and vehicle and boat sales and services. Development form should focus on the establishment of high quality, medium-scale, walkable, and connected centers that serve a market area of multiple neighborhoods, and are designed so as not to adversely impact the character of adjacent residential single-family neighborhoods.

B. Concept



C. Use Table

The allowed principal and accessory uses in the CC District are identified in Table 3-405.C: CC District Uses

TABLE 3-405.C: CC DISTRICT USES [1]

**P = Permitted; S = Permitted by APPROVAL OF A Special Exception;
E = Existing Only as of [] (insert effective date of LDC); Not listed = Prohibited**

Use Type	Permission	Use Specific Standard
Principal Uses		
Animal clinic	P	
Animal shelter	P	Sec. 4-104
Bait and tackle shop	P	
Banks and financial institutions	P	Sec. 4-112
Broadcast studio, commercial radio and television	P	
Cinemas and theaters	P	Sec. 4-112
Clubs, lodges, or community-oriented associations	P	
Day care center	P	Sec. 4-116
Drugstore	P	Sec. 4-112
EMS, fire, or sheriff's station	P	
Grocery store or food market	P	Sec. 4-112
Funeral home or mortuary	P	Sec. 4-120
Laundry services	P	Sec. 4-112
Library	P	
Medical or dental lab	P	
Moving and storage facility	S	
Newspaper/periodical publishing establishment	P	
Nonresident counseling, guidance, training, and rehabilitation	P	
Office, contractors or general business	P	Sec. 4-112
Office, medical	P	Sec. 4-112
Outpatient care facilities	P	Sec. 4-126
Park, Village, County, or State	E	Sec. 4-102
Personal services group I	P	Sec. 4-112
Personal services group II	P	Sec. 4-112
Pet services	P	Sec. 4-127
Place of worship	P	Sec. 4-102; Sec. 4-128; Sec. 4-131
Recreational facilities, indoor	P	
Recreational facilities, outdoor	S	Sec. 4-129
Religious facility	S	Sec. 4-102; Sec. 4-128; Sec. 4-131
Repair shop, household	P	Sec. 4-112
Research and development laboratories	S	
Restaurant, convenience or standard	P	Sec. 4-132
Restaurant, fast casual or fast food	S	Sec. 4-132; Sec. 4-133
Retail Sales group I and II	P	Sec. 4-112; Sec. 4-134
Self storage	S	Sec. 4-136
Showroom, wholesale	S	
Tattoo or body piercing establishment	P	Sec. 4-112
Tobacco shop	P	Sec. 4-112

TABLE 3-405.C: CC DISTRICT USES [1]

**P = Permitted; S = Permitted by APPROVAL OF A Special Exception;
E = Existing Only as of [] (insert effective date of LDC); Not listed = Prohibited**

Use Type	Permission	Use Specific Standard
Utility, minor	P	Sec. 4-140
Vehicle and boat rental and sales, or repair and maintenance	S	Sec. 4-112; Sec. 4-141; Sec 4-142
Vocational or trade school	P	
Warehouse	S	
Accessory Uses		
Bus station	S	Sec. 4-201
Food or beverage, limited service	S	Sec. 4-201

NOTES:

[1] For a specific explanation of how to use the use table, see Appendix A: Use Table.

D. Density and Dimensional Standards

Standard	All Uses
Lot area (ft ²)	20,000
Lot coverage, max (percent of total area)	40
Lot width, min. (ft.)	100
Lot depth, min (ft.)	100
Side setback, min. (ft.)	15
Rear setback, min. (ft.)	25
Street setback, min. (ft.)	
Local or private (ft.)	20 ^[1]
Collector or arterial (ft.)	25 ^[1]
Waterbody setback, min. (ft.)	25 feet from the edge of the waterbody.
Accessory use setback, min (ft/)	
Street (ft.)	20 / 25 ^[2]
Side (ft.)	10 ^[3]
Rear (ft.)	10 ^[3]
Building height, max. (ft.)	35
Intensity/Density ^[2]	See comprehensive plan

NOTES:

[1] Setback from edge of right-of-way or street easement line.

[2] 20 local or private street, 25 collector or arterial.

[3] The greater of 10 ft. or the amount of space necessary to hold a required buffer.

SECTION 3-5. SPECIAL PURPOSE DISTRICTS

3-501. GENERAL PURPOSE

The purpose and intent of the special purpose districts is to recognize and provide lands for certain types of uses and conditions which are not addressed in the other conventional zoning districts.

3-502. SPECIAL PURPOSE ZONING DISTRICTS

The special purpose zoning districts in this LDC is identified in Table 3-502: Special Purpose Zoning Districts.

TABLE 3-502: SPECIAL PURPOSE ZONING DISTRICTS
Environmentally Critical (EC) District
Parks and Community Facilities (P) District

3-503. ENVIRONMENTALLY CRITICAL (EC) DISTRICT

A. Purpose

The purpose and intent of the Environmentally Critical (EC) District is to preserve and protect certain land and water areas in the Village which have critical ecological, hydrological, or physiographic importance, such as wetlands. Classification of lands to the EC district is intended to prevent a public harm by precluding the use of the land for purposes for which it is unsuited in its natural state, and adversely affects the public interest.

B. Concept



C. Use Table

The allowed principal and accessory uses in the EC District are identified in Table 3-503.C: EC District Uses

TABLE 3-503.C: EC DISTRICT USES [1]

**P = Permitted; S = Permitted by approval of a Special Exception;
 E = Existing Only as of [] (insert effective date of LDC); Not listed = Prohibited**

Principal Use Type	Permission	Use Specific Standard
Boating and canoeing with no motors except electric trolling motors	P	
Fishing, sport or recreational	P	
Forest management activities	P	
Hiking and nature study, including clearing for pedestrian boardwalks	P	
Outdoor education	P	
Utility, minor	P	Sec. 4-140
Wildlife management and game reserves	P	

NOTES:

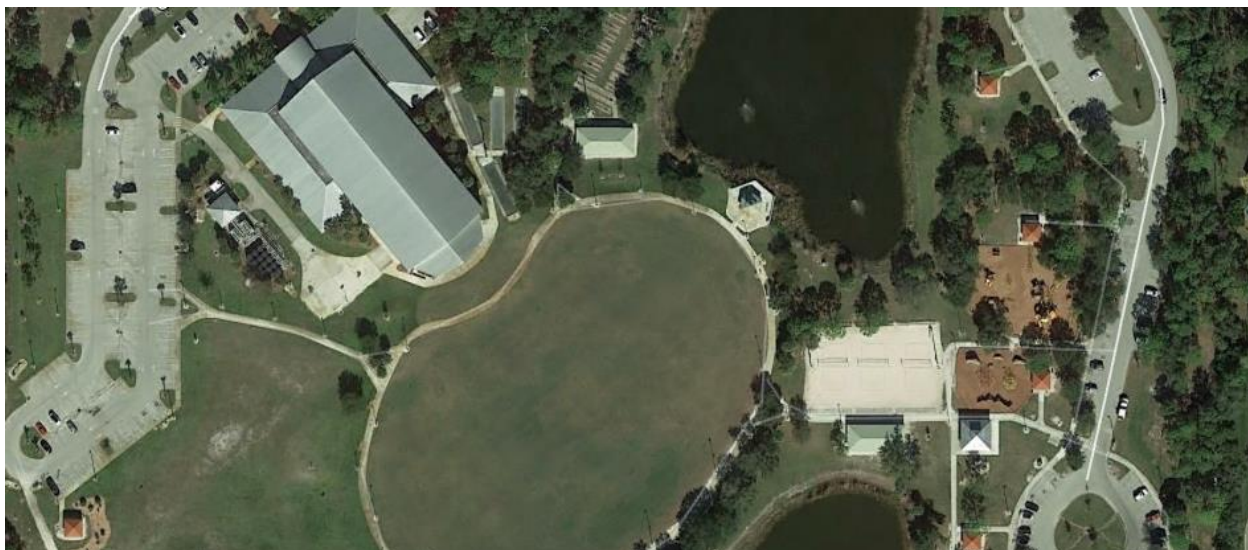
[1] For a specific explanation of how to use the use table, see Appendix A: Use Table.

3-504. PARKS AND COMMUNITY FACILITIES (P) DISTRICT

A. Purpose

The purpose and intent of the Parks and Community Facilities District is to provide land for active and passive recreation, and for public buildings such as government offices, libraries, and schools. Classification of primarily public lands to the P district is intended to preserve land for public use, including parks, libraries, and noncommercial cultural facilities.

B. Concept



C. Use Table

The allowed principal and accessory uses in the P District are identified in Table: 3-504.C P District Uses.

TABLE 3-504.C: P DISTRICT USES [1]

P = Permitted; S = Permitted by approval of a Special Exception;

E = Existing Only as of [] (insert effective date of LDC); Not listed = Prohibited

Use Type	Permission	Use Specific Standard
Principal Uses		
Cultural facility, noncommercial	P	
Emergency operations center	S	
EMS, fire, or sheriff's station	S	
Hiking and nature study, including clearing for pedestrian boardwalks	P	
Library	P	
Nature center	P	
Outdoor education	P	
Park, Village, County, or State	P	Sec. 4-102
Post office	P	
Schools, elementary, middle, or high	P	Sec. 4-102
Utility, minor	P	Sec. 4-102; Sec. 4-140

TABLE 3-504.C: P DISTRICT USES [1]

P = Permitted; S = Permitted by approval of a Special Exception;

E = Existing Only as of [] (insert effective date of LDC); Not listed = Prohibited

Use Type	Permission	Use Specific Standard
Accessory Uses		
Bike parking rack	P	Sec. 4-201
Bike share station	P	Sec. 4-201
Community garden	P	Sec. 4-113
Composting, small-scale	P	Sec. 4-201
Cool roof	P	Sec. 4-201
Electric vehicle (EV) level 1 or 2 charging station	P	Sec. 4-201; Sec. 4-202.E
Electric vehicle (EV) level 3 charging station	P	Sec. 4-201; Sec. 4-202.E
Fences	P	Sec. 4-201
Solar energy collection facility, small-scale	P	Sec. 4-201; Sec. 4-202.O
Storage shed	P	Sec. 4-201

NOTES:

[1] For a specific explanation of how to use the use table, see Appendix A: Use Table.

D. Density and Dimensional Standards

Standard	All Uses
Side setback, min. (ft.)	15
Rear setback, min. (ft.)	25
Street setback, min. (ft.)	
Local or private (ft.)	20 ^[1]
Collector or arterial (ft.)	25 ^[1]
Waterbody setback, min. (ft.)	25 feet from the edge of the waterbody

NOTES:

[1] Setback from edge of right-of-way or street easement line.

SECTION 3-6. LEGACY DISTRICTS

3-601. GENERAL PURPOSE

The purpose and intent of the legacy districts is to identify specific lands with valid approvals from Lee County prior to the Village's incorporation, and allow development on these lands to continue in accordance with the terms and conditions of their original approval. The legacy districts are identified on the Official Zoning Map.

3-602. LEGACY ZONING DISTRICTS

The legacy districts are identified in Table 3-602: Legacy Districts.

TABLE 3-602: LEGACY DISTRICTS
Planned Unit Development (PUD) Districts
RPD-CPD District

3-603. PLANNED UNIT DEVELOPMENT (PUD) LEGACY DISTRICT

The Planned Unit Development (PUD) Legacy District shall consist of the following planned unit developments (PUDs), all approved by Lee County prior to the date of the Village's incorporation. Development in each PUD Legacy District shall comply with the terms and conditions included in their resolutions.

- A. Breckenridge PUD (Laguna Woods): Z-82-038, Z-82-111, ZAB-84-129, ZAB-84-194, PUD-89-001, PUD-89-002, PUD-89-003, PUD-90-001, PUD-90-002, PUD-90-003, PUD-91-017, PUD-92-001, PUD-92-010, PUD-92-018, PUD-95-016, Z-95-073, PUD-96-006, Z-96-014, Z-99-053
- B. The Lakes of Estero PUD (Corkscrew Hammocks): Z-82-111, ZAB-82-111, Z-89-059, ADD2002-00002, ADD2006-00125, ADD2007-00025, ADD2008-00108
- C. The Vines PUD: ZAB-84-018, Z-88-292, Z-89-097, PUD-90-023, Z-92-070, ADD2006-00036
- D. Wildcat Run PUD: Z-80-441, Z-82-060, ZAB-84-171, ZAB-84-171A, PUD-94-030

3-604. RPD-CPD LEGACY DISTRICT

The RPD-CPD Legacy District shall consist of the following developments, all approved by Lee County prior to the date of the Village's incorporation. Development in each RPD-CPD Legacy District shall comply with the terms and conditions included in their resolutions.

- A. Pelican Landing RPD/CPD: Z-94-014

SECTION 3-7. PLANNED DEVELOPMENT DISTRICTS

3-701. PLANNED DEVELOPMENT ZONING DISTRICTS

The Planned Development zoning districts in this LDC are identified in Table 3-701: Planned Development Zoning Districts.

TABLE 3-701: PLANNED DEVELOPMENT ZONING DISTRICTS
Residential Planned Development (RPD) District
Community Facilities Planned Development (CFPD) District
Commercial Planned Development (CPD) District
Mixed-use Planned Development (MPD) District
Estero Planned Development (EPD) District
Compact Community Planned Development (CCPD) District

3-702. PLANNED DEVELOPMENT DISTRICTS, GENERALLY

A. Purpose

The purpose of the Planned Development (PD) zoning districts is to encourage innovative, integrated, and efficient land planning and physical design concepts that are consistent with the comprehensive plan. The planned development districts are intended to achieve a high quality of development, environmental sensitivity, energy efficiency, adequate public facilities and services, and other Village and comprehensive plan goals and objectives by:

1. Reducing the inflexibility of zoning district standards that sometimes results from strict application of the conventional districts, and the other development, form, and design standards of this LDC;
2. Allowing greater flexibility in selecting: the form and design of development, the ways by which pedestrians and traffic circulate, how the development is located and designed to respect the natural features of the land and protect the environment, the location and integration of open space and civic space into the development, and design amenities, while providing for consistency and visual harmony;
3. Where appropriate, supporting a greater mix of land uses within the same development, including a mix of nonresidential development, different housing types, lot sizes, and densities/intensities;
4. Encouraging the provision of centrally-located open space amenities on the site;
5. Allowing more efficient use of land, with smaller networks of streets and utilities;
6. Providing pedestrian connections within the site and to the public right-of way;
7. Promoting development forms and patterns that respect the character of established neighborhoods and other types of land uses; and
8. Providing a mechanism for offsetting the increased cost of the premature commitment of capital by a public utility or service provider through developer donations and dedications of capital through operation of services and facilities, or through a system of impact fees and other forms of mitigation.

B. Classification of Planned Development Zoning Districts

Land shall be classified into a PD zoning district only in accordance with the procedures and standards set forth in Sec. 2-501.D, Planned Development, and this section.

C. Organization of Planned Development Zoning District Regulations

The following section sets out general standards applicable to the PD zoning districts. Sec. 3-703, Residential Planned Development (RPD) District, Sec. 3-704, Community Facilities Planned Development (CFPD) District, Sec. 3-705: Commercial Planned Development (CPD) District, Sec. 3-706, Mixed-use Planned Development (MPD) District, Sec 3-707, Estero Planned Development (EPD) District, and Sec. 3-708, Compact Community Planned Development (CCPD) District, contain

provisions for each of the different types of PD zoning districts, including a purpose statement, a list of the types of form, intensity, dimensional, development, and design standards to be applied as part of the PD Master Concept Plan, and references to applicable use and other standards.

D. General Standards for All Planned Development Zoning Districts

Before approving a PD zoning district, the Village Council shall find that the application for the PD zoning district classification, as well as the PD Master Concept Plan, comply with the following standards.

1. Master Concept Plan

As set forth in this subsection, a PD Master Concept Plan is a required component in the establishment of a PD district. The PD Master Concept Plan shall:

- A. Establish a statement of planning and development goals for the PD zoning district that is consistent with the comprehensive plan and purposes of the individual PD zoning district.
- B. Identify the location and explanation of all existing easements, whether or not those easements are recorded. (If an easement is based upon a recorded document, the official records book reference shall be stated.)
- C. Identify the location of all points of vehicular ingress and egress from existing easements or rights-of-way into the proposed planned development.
- D. Establish and identify the specific principal, accessory, and temporary uses permitted in the district. They shall be consistent with Table 3-702.E: Planned Development Districts Uses, and the purpose and intent of the individual PD zoning district, and be subject to applicable use specific standards identified in the PD Master Concept Plan and any additional limitations or requirements applicable to the individual PD zoning district.
- E. Identify the individual development areas (i.e. residential, retail, office, light industrial, mixed-use) with detail showing the boundary of each development area within which buildings, parking, or other uses will be located. Also identify the number of residential units (by use type), nonresidential floor area (by use type), residential density, and nonresidential intensity. The residential density and nonresidential intensity shall be consistent with the purposes of the PD zoning district and the specific requirements of the individual PD zoning district.
- F. If the proposed planned development is divided into lots or parcels, show the general location, configuration, and approximate dimensions of the lots or parcels (including outparcels). The proposed use of the lots or parcels shall be keyed to the list of proposed uses.
- G. Identify the dimensional standards that apply in the individual PD district. The dimensional standards shall be consistent with the requirements of the individual PD district, and its purposes.
- H. Where relevant, establish the standards and requirements that ensure development on the perimeter of the PD district is designed and located to be compatible with the character of adjacent existing or approved development. This includes the minimum width and composition of all proposed buffers along the perimeter of the subject property, as well as between the individual uses, if the types of proposed uses require buffer separations. Determination of compatible character shall be based on densities/intensities, lot size and dimensions, building height, building mass and scale, form and design features, hours of operation, exterior lighting, and siting of service areas.
- I. Include an open space design plan delineating the indigenous preserves and/or native tree preservation areas as required by this LDC. (Adjustments and field corrections to the plan can be done administratively at the time of development order, provided the minimum commitments made as part of zoning approval are maintained. No changes to an indigenous or native tree preserve area can be made administratively that would negatively affect screening or buffering to an adjacent property.)
- J. Establish the percentage of open space, unless the proposed development consists solely of conventional single-family dwelling units on lots of no less than 6,500 square feet.
- K. Identify the general location, amount, and type (whether designated for active or passive recreation) of open space, consistent with the purposes of the individual PD district.

- L. Identify the general location of proposed parks and recreation areas and facilities, as well as indigenous areas and flow-ways to be preserved, restored, or created.
- M. Identify the location of environmentally sensitive lands including rare and unique uplands as defined in the Village comprehensive plan and this LDC, resource lands, wildlife habitat, and waterway corridors, and explain how these lands will be protected consistent with the purposes of the individual PD district and the requirements of this LDC.
- N. If the development is located within a floodplain or flow way, include a commitment that at the time of development order review or district permitting, there will be mitigation of any impacts to flood storage capacity or flow ways due to filling of the site.
- O. Identify the on-site pedestrian circulation system, and how it will connect to off-site pedestrian systems in ways that are consistent with the purposes of the individual PD district, and the requirements of this LDC.
- P. Identify the general design and layout of the on-site transportation circulation system, including the general location of all public roads and existing or projected transportation corridors, and how they interface with the pedestrian circulation system (pedestrian and bicycle pathways, and trails), and connect to existing and planned Village, county, and regional systems in a manner consistent with the purposes of the individual PD district, and the requirements of this LDC.
- Q. Identify any mitigation to the road system that will be done to address any traffic impacts identified in the traffic impact statement submitted for the project.
- R. If a subdivision is proposed as part of the planned development, identify the general location of all proposed internal road rights-of-way or easements and the general location of all points of vehicular ingress and egress from the proposed internal rights-of-way or easements into multiple-family, commercial, or industrial use lots.
- S. Identify the general location of on-site potable water and wastewater facilities, and how they will connect to existing and planned Village, county or regional systems (if relevant) in a manner consistent with the comprehensive plan.
- T. Identify the general location of on-site storm drainage facilities, and how they will connect to existing and planned Village systems, in a manner consistent with the purposes of the individual PD district, and the requirements of this LDC;
- U. Identify the general location and layout of all other on-site and off-site public facilities serving the development, and how they are consistent with the purposes of the individual PD district. The other on-site and off-site public facilities considered shall include but not be limited to parks, schools, and facilities for fire protection, police protection, emergency management, storm water management, and solid waste management;
- V. Establish provisions addressing how transportation, potable water, sanitary sewer, stormwater management, and other public facilities will be provided to accommodate the proposed development;
- W. Identify the development standards that will be applied to development, spelling out any deviations from the standards in Chapter 5: Site Development Standards, and Chapter 6: Signage. The development standards shall be consistent with the requirements of the individual PD district and its purposes, and the requirements of this LDC, as appropriate. At a minimum, the development standards shall address:
 - 1. Off-street parking, bicycle, and loading standards (Section 5-2);
 - 2. Mobility and connectivity (Section 5-3);
 - 3. Landscape standards (Section 5-4);
 - 4. Fence and wall standards (Section 5-5);
 - 5. Exterior lighting standards (Section 5-6);
 - 6. Architectural, form, and design standards (Section 5-7);
 - 7. Green building standards (Section 5-8);
 - 8. Signage (Chapter 6); and
 - 9. Natural Resources (Chapter 7).

2. *PD Phasing Plan*

If development in a PD zoning district is proposed to be phased, the PD Master Concept Plan shall include a development phasing plan that identifies the general sequence or phases in which the zoning district is proposed to be developed, including how residential and nonresidential development will be timed, how infrastructure (public and private), open space, and other amenities will be provided and timed, how development will be coordinated with the Village's capital improvements program, and how environmentally sensitive lands will be protected and monitored.

3. *Pattern Books*

Planned development rezonings and amendments shall include a pattern book that illustrates the anticipated visual character of new development including its architecture and landscaping. All applications for planned development rezonings and amendments shall include at least the following to demonstrate consistency with (or identify modifications from) the standards in this section.

- A. Illustrative colored site plan on an aerial photo that depicts:
 1. Configuration and phasing of all connecting streets. 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.
 2. Bicycle/pedestrian circulation including potential connections to adjoining property.
 3. Landscaped areas, preserved areas, open spaces, civic spaces, gathering places, natural and cultural resources, and community facilities, where applicable.
 4. Water management areas (conceptual).
 5. Development areas labeled with approximate acreages and with proposed uses.
 6. Location, shape, and size of proposed detention and retention areas.
 7. Location and size of development tracts, labeled with approximate acreages and with proposed uses.
 8. Location and cross-sections of streets, sidewalks, and off-street facilities for walking or biking.
 9. Type of decorative lighting poles and fixtures.
 10. General vehicular circulation.
 11. Sketches and location of requested deviations.
- B. Architectural elevations that depict the generalized architectural theme or themes that will be characteristic of all façades of buildings throughout the development plan, including a proposed color palette describing colors and materials.
- C. A landscaping and open space plan with typical buffer planting detail.
- D. 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.).
- E. For land adjoining the Estero River, a map showing the top of the riverbank and the regulatory floodway designated on the official flood maps. (Depict the proposed setback of buildings and land alterations from the top of the riverbank and the location of all proposed buildings and land alterations within 200 feet of the river.)
- F. 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.

4. Conditions of Approval

Conditions of approval may be included as part of the PD Master Concept Plan to mitigate any reasonably expected impact from the planned development. The conditions of approval shall be reasonably related to the proposed development and any reasonably expected impacts on public services and facilities and the health, safety, and welfare. The conditions of approval shall be adopted as part of the approval of the planned development district and incorporated into the ordinance.

E. Bonus Density for Planned Developments approved by Lee County Prior to March 17,2015

1. A planned development approved by Lee County zoning resolution prior to March 17, 2015, which authorizes bonus density units under the Lee County affordable housing bonus density program and in which vertical development was not commenced as of May 17, 2017, may apply to the Village in accordance with the procedures and standards of this section, to use those bonus density units upon the conversion of the contributions agreed to for affordable housing units, to contributions for the preservation of environmentally sensitive lands, Village recreational lands, or open space.
2. Any landowner requesting to use approved density bonus units in accordance with this section shall, prior to the first development order authorizing vertical construction for a planned development, notify the Director about the number of housing bonus density units approved under the Lee County resolution are proposed to be developed in accordance with this section, and their specific location in the planned development. (The number and location of the bonus density units shall be noted in the local development order.) Furthermore, no development order for vertical construction in which bonus density units will be used shall be approved unless a Pattern Book demonstrating a unified design for the planned development is approved as part of the development order.
3. On the request of the landowner, the Director shall make a written determination as to whether:
 - A. The planned development was approved by Lee County zoning resolution prior to March 17, 2015;
 - B. The number of housing bonus density units authorized in the resolution; and
 - C. The monetary contribution established by the zoning resolution per bonus density unit.
4. Upon confirmation that the requirements of subsection 3 above are met, the request shall be forwarded to the Village Council, who shall establish by resolution, which may be amended from time to time, the fee contribution for each housing bonus density unit that can be used in accordance with this section.
5. *Payment of Contribution*
 - A. To gain approval and use of the housing bonus density units, the landowner shall pay the monetary contribution to the Village prior to the first development order that includes the use of the approved density bonus. Contributions once made, will not be refunded.
 - B. The funds collected by the Village in accordance with this section shall be held in a separate account and shall only be used within a reasonable period of time after the contributions are paid, for the purchase of public land acquisition for environmentally sensitive lands, Village recreation lands, or open space.

F. Planned Development Districts Use Table

The allowed principal and accessory uses in the planned development districts are identified in Table 3-702.F: Planned Development Districts Uses. The table uses the following abbreviations to designate whether and how a principal or accessory use is allowed in a particular zoning district:

- A An "A" indicates that the use may be allowed as a part of the PD Master Concept Plan for a planned development in accordance with Sec. 2-501.D, Planned Development, subject to any referenced use specific standards and other applicable regulations of this LDC.

A blank cell indicates that the use is prohibited in the planned development district.

TABLE 3-702.F: PLANNED DEVELOPMENT DISTRICTS USES

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

Use Type	RPD	CFPD	CPD	MPD	EPD	Use Specific Standards
Principal Uses						
Animal clinic			A	A		
Animal shelter			A	A		Sec. 4-104
Assisted living facility	A		A	A	A	Sec. 4-105
Automotive service station			A			Sec. 4-106; Sec. 4-112
Banks and financial institutions	A		A	A	A	Sec. 4-112
Bar			A	A	A	
Boat storage, dry			A	A		
Brewpub or micro-brewery, -winery, or -distillery			A	A	A	Sec. 4-109
Broadcast studio, commercial radio and television			A	A		
Building contractor's storage yard			A			
Cemeteries and mausoleums			A			Sec. 4-110
Cinemas and theaters			A	A	A	Sec. 4-112
Clubs, lodges, or community-oriented associations			A	A	A	
College or university		A	A	A	A	Sec. 4-111
Community garden	A	A	A	A	A	Sec. 4-113
Community residential home	A		A	A	A	
Continuing care retirement community	A		A	A	A	Sec. 4-114
Convenience food and beverage store without gas service	A		A	A	A	Sec. 4-112; Sec. 4-115
Convenience store with gas sales or super convenience store			A	A		Sec. 4-112; Sec. 4-115
Convention center or Exhibition hall			A	A	A	Sec. 4-112
Counseling, nonresidential			A	A	A	
Cultural facility, noncommercial		A	A	A	A	
Day care center	A			A	A	Sec. 4-116
Drugstore			A	A	A	Sec. 4-112
Dwelling, live-work	A		A	A	A	Sec. 4-117
Dwelling, mobile home	A					Sec. 4-118
Dwelling, multiple-family	A		A	A	A	Sec. 4-119
Dwelling, single-family residence	A			A	A	
Dwelling, townhouse	A		A	A	A	
Dwelling, two-family attached	A			A	A	
Emergency operations center		A	A	A		
EMS, fire, or sheriff's station		A	A	A	A	
Funeral home or mortuary			A	A		Sec. 4-120
Golf course	A			A		Sec. 4-112
Government maintenance facility		A				
Grocery store or food market			A	A	A	Sec. 4-112
Home care facility	A		A			
Hospital			A	A	A	Sec. 4-122
Hotels/motels			A	A	A	Sec. 4-123
Dryclean & Laundry services			A	A	A	Sec. 4-112
Laundry self-service			A	A		Sec. 4-112

TABLE 3-702.F: PLANNED DEVELOPMENT DISTRICTS USES

**A = allowed in a PD district if approved as part of a PD Master Concept Plan
Blank cell = prohibited**

Use Type	RPD	CFPD	CPD	MPD	EPD	Use Specific Standards
Library		A	A	A	A	
Manufacturing, assembly, or fabrication, Light			A	A		
Medical or dental lab			A	A	A	
Medical marijuana dispensary						
Moving and storage facility			A			
Nature center	A	A			A	
Newspaper/periodical publishing establishment			A	A	A	
Nursing home		A	A	A		Sec. 4-125
Office, general business			A	A	A	Sec. 4-112
Office, medical			A	A	A	
Outpatient care facilities			A	A	A	Sec. 4-126
Park, Village, County, or State		A		A	A	
Personal services group I			A	A	A	Sec. 4-102; Sec. 4-112
Personal services group II			A	A		Sec. 4-112
Pet services			A	A	A	Sec. 4-127
Pharmaceutical manufacturing			A			
Place of worship		A	A	A	A	Sec. 4-102; Sec. 4-128
Post office		A	A	A	A	
Recreational facilities, indoor			A	A	A	
Recreational facilities, outdoor		A	A			Sec. 4-129
Recycling drop-off facility		A	A		A	Sec. 4-130
Religious facility		A	A	A	A	Sec. 4-102; Sec. 4-131
Repair shop, household			A	A	A	Sec. 4-112
Research and development laboratories			A	A	A	
Restaurant, convenience		A	A	A	A	
Restaurant, fast casual or fast food			A	A	A	Sec. 4-132; Sec. 4-133
Restaurant, standard			A	A	A	Sec. 4-132
Retail sales group I			A	A	A	Sec. 4-112; Sec. 4-134
Retail sales group II			A	A		Sec. 4-112; Sec. 4-134
Schools, elementary, middle, or high		A			A	Sec. 4-102; Sec. 4-135
Self storage			A	A		Sec. 4-136
Showroom, wholesale			A			
Tattoo or body piercing establishment			A	A		Sec. 4-112.D
Tobacco shop			A	A		Sec. 4-112
Utility, major		A				Sec. 4-139
Utility, minor	A	A	A	A	A	Sec. 4-140
Vehicle and boat rental and sales			A	A		Sec. 4-112; Sec. 4-141
Vehicle and boat repair and maintenance			A	A	A	Sec. 4-112; Sec. 4-142

TABLE 3-702.F: PLANNED DEVELOPMENT DISTRICTS USES

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

Use Type	RPD	CFPD	CPD	MPD	EPD	Use Specific Standards
Vocational or trade school			A	A	A	
Warehouse			A			
Wireless telecommunications			A	A		Sec. 4-143
Accessory Uses						
Accessory Apartment	A			A	A	Sec. 4-202.A
Antenna	A	A	A	A	A	Sec. 4-201
Automated teller machine (ATM)	A	A	A	A	A	Sec. 4-201
Automatic car wash			A	A	A	Sec. 4-201
Bike parking rack	A	A	A	A	A	Sec. 4-201
Bike share station	A	A	A	A	A	Sec. 4-201
Clubhouse (as accessory to a residential development, golf, or tennis facility)	A		A	A	A	Sec. 4-201
Community recreation facility (as accessory to a residential development)	A		A	A	A	Sec. 4-201
Composting, small-scale	A	A	A	A	A	Sec. 4-201
Cool roof	A	A	A	A	A	Sec. 4-201
Dock	A	A	A	A	A	Sec. 4-201; Sec. 4-202.C
Drive-through facility			A	A	A	Sec. 4-202.D
Electric vehicle (EV) level 1 or 2 charging station	A	A	A	A	A	Sec. 4-201; Sec. 4-202.E
Electric vehicle (EV) level 3 charging station	A	A	A	A	A	Sec. 4-201; Sec. 4-202.E
Excavation for ponds accessory to single-family residences	A			A	A	Sec. 4-201; Sec. 4-202.F
Fences	A	A	A	A	A	Sec. 4-201
Garage or carport	A	A		A	A	Sec. 4-201
Greenhouse	A	A	A	A	A	Sec. 4-201
Green roof	A	A	A	A	A	Sec. 4-201
Helipad (as an accessory use)			A	A	A	Sec. 4-201
Home garden	A					Sec. 4-201
Home occupation	A			A	A	Sec. 4-201; Sec. 4-202.I
Laundromat (as accessory to a multifamily dwelling or mobile home park)			A	A	A	Sec. 4-201
Outdoor display of merchandise (as accessory to a retail sales use)			A	A	A	Sec. 4-201; Sec. 4-202.J
Outdoor seating (as accessory to an eating or drinking establishment)	A	A	A	A	A	Sec. 4-201; Sec. 4-202.K
Outdoor storage (as an accessory use)	A	A	A	A	A	Sec. 4-201; Sec. 4-202.L
Pickleball facilities	A	A	A	A	A	Sec. 4-201; Sec. 4-202.M
Satellite earth stations and amateur radio antennas	A	A	A	A	A	Sec. 4-201; Sec. 4-202.N
Solar energy collection facility, small-scale	A	A	A	A	A	Sec. 4-201; Sec. 4-202.O
Storage shed	A	A	A	A	A	Sec. 4-201

TABLE 3-702.F: PLANNED DEVELOPMENT DISTRICTS USES

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

Use Type	RPD	CFPD	CPD	MPD	EPD	Use Specific Standards
Swimming pools, tennis courts, porches, decks, and similar recreational facilities	A	A	A	A	A	Sec. 4-201; Sec. 4-202.P

3-703. RESIDENTIAL PLANNED DEVELOPMENT (RPD) DISTRICT

A. Purpose

The purpose of the Residential Planned Development (RPD) District is to provide land owners a development option for increased flexibility consistent with the goals, policies, and objectives of the comprehensive plan, if they comply with the provisions of the comprehensive plan, and the project will not have an adverse economic, environmental, fiscal, or social impact to surrounding lands and the Village. The principal types of development allowed in the RPD District are permanent year-round residential dwelling units, along with limited commercial development that primarily serves the residents of the RPD.



B. Use Standards

All principal and accessory uses shall be consistent with the uses allowed for the RPD District in Table 3-702.F: Planned Development Districts Uses, and be identified in the PD Master Concept Plan, in accordance with Sec. 3-702.D, General Standards for All Planned Development Zoning Districts.

C. Intensity and Dimensional standards

Standard	Requirement
Lot area (ft ²) [1]	To be established in PD Master Concept Plan as set forth in Sec. 3-702, Planned Development Districts, Generally. The RPD District shall be consistent with the goals, policies and objectives in the comprehensive plan, and the FLUM.
Lot coverage, max (percent of total area)	
Lot width, min. (ft.)	
Lot depth, min (ft.)	
Side setback, min. (ft.) [2] [3]	
Rear setback, min. (ft.) [2] [3]	
Street setback (arterial street with frontage road) (ft.)	
Street setback (arterial street without frontage road or local street) (ft.)	
Street setback (private street) (ft.)	
Intensity/Density	
Waterbody setback	25 feet from the edge of the waterbody

Building height, max. (ft.)	35
Setbacks from external perimeter of planned development	[4] [5] [6] [7]

NOTES:

- [1] If the PD Master Concept Plan includes individual lots in clusters or a townhouse configuration, the specific lot area and dimensions shall be determined by the space requirements of the unit itself, the provision of private open space, and the voluntary reservation of additional common open space, if any.
- [2] If the PD Master Concept Plan includes single-family detached or attached zero lot line housing, each dwelling unit may have one wall without windows or doors on a side lot line, may encroach with eaves or cornices no more than 36 inches into the adjacent yard, and shall maintain at least a minimum separation from the building on the side opposite the zero setback line consistent with the standard set forth in [3] below (ten feet as long as sufficient separation is maintained to prevent the spread of fire, and as long as adequate access is provided for emergency services as certified by the Fire Official).
- [3] If the PD Master Concept Plan includes clustering of single-family detached structures, as long as sufficient separation is maintained to prevent the spread of fire, and as long as adequate access is provided for emergency services as certified by the Fire Official, the separation of buildings may be reduced to no less than ten feet.
- [4] The width of any buffer area or landscape strip required by Section 5-4, Landscape Standards, or 15 feet, whichever is greater.
- [5] Parking or internal roads or drives may not be closer to the development perimeter than the width of any buffer area or landscape strip required by Section 5-4, Landscape Standards.
- [6] The provisions of this subsection notwithstanding, the Village Council may require greater setbacks and buffers when, in its opinion, they are necessary for the protection of public health, safety, welfare.
- [7] Uses allowed in required perimeter setbacks include bikeways, pedestrian walks, sidewalks, jogging paths, and park furniture, including gazebos and picnic shelters.

D. District-Specific Development Standards

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

1. Nonresidential Development

- A. The amount of nonresidential development in the PD Master Concept Plan for the RPD shall comply with the requirements in Table 3-703.D.1.A: Maximum Gross Nonresidential Floor Area Allowed in RPD.

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	None
150-300 dwelling units	2,500
301-600 dwelling units	7,500
601-1200 dwelling units	17,500
More than 1200 dwelling units	Additional space may be added at a rate of 5,000 square feet per 300 dwelling units to a maximum of 30,000 square feet. In no case may the commercial area exceed three percent of the gross area of the project.
NOTES:	
[1] The following uses shall not be counted against the maximum gross floor area in the RPD: EMS, fire, or sheriff's station; place of worship; school, elementary, middle, or high; day care; food or beverage, limited service; restaurant, convenience; restaurant, standard; drugstore; grocery store or food market; gas station (with self-service fuel pumps only), and home occupations.	

- B. Unless constrained by physical factors or other standards in this LDC (e.g., wetlands preservation), nonresidential development shall be oriented to the interior of the project, located centrally within the development, and not be quickly or easily accessible from the exterior of the development.

- C. Outside display or storage of goods for retail sale is prohibited.
- D. Signage for commercial developments other than project sales shall not be visible from the perimeter of the project, and shall otherwise comply with Chapter 6: Signage.
- E. Parking for commercial development shall comply with Section 5-2, Off-Street Parking, Bicycle Parking, and Loading Standards, unless deviated in accordance with Sec. 3-703.D.3, Deviation from Development Standards, except that up to, but not more than, one-half of the required number of parking spaces may be reduced in direct proportion (one space deleted per dwelling unit) to the number of dwelling units located within one-quarter mile of the nonresidential area, as measured to the geometric center of the nonresidential area, if it is served by a continuous and technically adequate system of pedestrian and bicycle paths or ways.
- F. Real estate sales activity and model homes shall be limited to the RPD project only. Such uses shall be terminated upon the sale of the last dwelling unit in the project or phase, or 12 months after the issuance of the last certificate of occupancy for the last dwelling unit built in the project or phase, whichever occurs first.
- G. No development or occupancy of nonresidential development shall commence until a substantial proportion of the residential development occurs and is occupied. Table 3-703.D.1.G: Maximum Percent of Nonresidential Development Allowed in Relation to Residential Development, indicates the maximum proportion of the total permitted commercial floor space that may be occupied for a minimum proportion of residential land uses commenced. This limit shall not apply to health care facilities.

TABLE 3-703.D.1.G: MAXIMUM PERCENT OF COMMERCIAL DEVELOPMENT ALLOWED IN RELATION TO RESIDENTIAL DEVELOPMENT				
Type of Development	Percent of Development			
Percent of Residential Dwelling Units Commenced	25	50	75	100
Maximum Percent of Commercial Floor Space Permitted	25	50	100	

2. Pedestrian and Non-motorized Connections

Pedestrian and non-motorized amenities shall be provided to establish connections within the site and to adjacent public streets. Amenities may include, but are not limited to:

- A. Sidewalks and trails;
- B. Wayfinding markers and signage;
- C. Crosswalks, raised intersections, traffic signals, or other safety features;
- D. Curb cuts for bicycles, wheelchairs, and other forms of non-motorized transportation; and
- E. Paths that connect to buildings, parking areas, open space areas, and public streets.

3. Deviation from Development Standards

- A. Development in a RPD district shall comply with the standards in Chapter 5: Site Development Standards, Chapter 6: Signage, and Chapter 7: Natural Resources, unless they are deviated from as allowed by Table 3-703.D.3.A: Development Standards Subject to Deviations.

TABLE 3-703.D.3.A: DEVELOPMENT STANDARDS SUBJECT TO DEVIATIONS	
Standard	Means to Deviate
Section 5-2, Off-Street Parking, Bicycle Parking, and Loading Standards	PD Master Concept Plan
Section 5-3, Mobility and Connectivity Standards	PD Master Concept Plan
Section 5-4, Landscape Standards	PD Master Concept Plan, except deviation from minimum open space standard prohibited
Section 5-5, Fence and Wall Standards	PD Master Concept Plan
Section 5-6, Exterior Lighting Standards	PD Master Concept Plan
Section 5-7, Architectural, Form, and Design Standards	Deviations Prohibited
Section 5-8, Green Building Standards	Deviations Prohibited
Chapter 6: Signage	PD Master Concept Plan
Chapter 7: Natural Resources	Deviations Prohibited

- B. Modifications to development standards, in accordance with Table 3-703.D.3.A: Development Standards Subject to Deviations, shall be:
1. Consistent with the purposes of the RPD district; and
 2. Documented in the PD Master Concept Plan, with a clear basis for why the change is needed and how it supports and is consistent with the comprehensive plan and high-quality development, and how it enhances the planned development.

4. Site Access

Any streets, alleys, and driveways proposed shall be adequate to serve the residents, occupants, visitors, and other anticipated traffic of the PD district, but may be designed to discourage through traffic from traversing the development.

5. Utilities

The RPD shall provide for underground installation of utilities (including electricity and telephone) for new development. Provisions shall be made for acceptable design and construction of storm water facilities including grading, gutter, piping, and treatment of turf and maintenance of facilities.

6. Privacy

The planned development shall provide reasonable visual and acoustical privacy for individual dwelling units, including fences, insulation, walks, and barriers, for protection and aesthetic enhancement of property for the privacy of the occupants.

7. Sale of Alcoholic Beverage

Sale of alcoholic beverages shall be governed by the provisions of Section 4-4, Alcoholic Beverages, and other special conditions included in the Master Concept Plan.

3-704. COMMUNITY FACILITIES PLANNED DEVELOPMENT (CFPD) DISTRICT

A. Purpose

The purpose of the Community Facilities Planned Development (CFPD) District is to provide lands to accommodate those governmental, religious, and community service activities which frequently complement and are necessary to the types of activities allowed in other zoning districts, but which, due to their size, intensity, or nature of the use and the potential impact on adjacent uses, roads, or other infrastructure, should not be allowed as a use by right in a conventional zoning district. Flexibility is provided, with an expectation that development quality will surpass what is otherwise achievable through any conventional zoning district. District standards encourage the efficient use of land and resources, promote greater efficiency in providing services and infrastructure, and mitigate potential adverse impacts on surrounding developments.



B. Use Standards

All principal and accessory uses shall be consistent with the allowed uses for the CFPD District in Table 3-702.F: Planned Development Districts Uses, and be identified and approved in the PD Master Concept Plan, in accordance with Sec. 3-702.D, General Standards for All Planned Development Zoning Districts.

C. Intensity and Dimensional Standards	
Standard	Requirement
Lot area (ft ²)	To be established in PD Master Concept Plan as set forth in Sec. 3-702, Planned Development Districts, Generally. The CFPD District shall be consistent with the goals, policies, and objectives in the comprehensive plan, and the FLUM.
Lot coverage, max (percent of total area)	
Lot width, min. (ft.)	
Lot depth, min (ft.)	
Side setback, min. (ft.)	
Rear setback, min. (ft.)	
Street setback (arterial street with frontage road) (ft.)	
Street setback (arterial street without frontage road) or local street (ft.)	
Street setback (private street) (ft.)	
Intensity/Density	
Waterbody setback	25 feet from the edge of the waterbody
Building height, max. (ft.)	35
Setbacks from external perimeter of planned development	[1] [2] [3] [4]

NOTE:

- [1] The width of any buffer area or landscape strip required by Section 5-4, Landscape Standards, or 15 feet, whichever is greater.
- [2] Parking or internal roads or drives shall not be closer to the development perimeter than the width of any buffer area or landscape strip required by Section 5-4, Landscape Standards.
- [3] The provisions of this subsection notwithstanding, the Village Council may require greater setbacks and buffers when, in its opinion, they are necessary for the protection of public health, welfare, or safety.
- [4] Uses allowed in required perimeter setbacks include bikeways, pedestrian walks, sidewalks, jogging paths, and park furniture, including gazebos and picnic shelters.

D. District-Specific Development Standards

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

1. Pedestrian Connections

Pedestrian connections within the site is encouraged. Pedestrian features may include, but are not limited to:

- A. Sidewalks and trails;
- B. Crosswalks, raised intersections, or other safety features;
- C. Sidewalks and paths that connect to buildings, parking areas, open space areas, and public streets.

2. Deviation from Development Standards

- A. Development in a CFPD district shall comply with the standards in Chapter 5: Site Development Standards, Chapter 6: Signage, and Chapter 7: Natural Resources, unless they are deviated from as allowed by Table 3-704.D.2.A: Development Standards Subject to Deviations, and this section.

TABLE 3-704.D.2.A: DEVELOPMENT STANDARDS SUBJECT TO DEVIATIONS	
Standard	Means to Deviate
Section 5-2, Off-Street Parking, Bicycle Parking, and Loading Standards	PD Master Concept Plan
Section 5-3, Mobility and Connectivity Standards	PD Master Concept Plan
Section 5-4, Landscape Standards	PD Master Concept Plan, except deviation from minimum open space standard prohibited
Section 5-5, Fence and Wall Standards	PD Master Concept Plan
Section 5-6, Exterior Lighting Standards	PD Master Concept Plan
Section 5-7, Architectural, Form, and Design Standards	PD Master Concept Plan
Section 5-8, Green Building Standards	Deviations Prohibited
Chapter 6: Signage	PD Master Concept Plan
Chapter 7: Natural Resources	Deviations Prohibited

B. Deviations to development standards, in accordance with Table 3-704.D.2.A: Development Standards Subject to Deviations, shall be:

1. Consistent with the purpose of the CFPD district; and
 2. Documented in the PD Master Concept Plan, stating a clear basis for why the change is needed and how it supports and is consistent with the comprehensive plan and high-quality development, and how it enhances the planned development.
3. *Outdoor Display of Goods*
All outdoor display of goods is prohibited.
 4. *Outdoor Storage of Goods*
Any outdoor storage of goods shall be enclosed by a wall or opaque fence or solid hedge, not less than six feet in height, or otherwise completely and visually buffered.
 5. *Site Access*
Any roads, alleys, and driveways proposed shall be adequate to serve the development and other anticipated traffic of the CFPD district.
 6. *Utilities*
The CFPD shall provide for underground installation of utilities (including electricity and telephone) for new development. Provisions shall be made for acceptable design and construction of storm water facilities including grading, gutter, piping, and treatment of turf and maintenance of facilities.

3-705. COMMERCIAL PLANNED DEVELOPMENT (CPD) DISTRICT

A. Purpose

The purpose of the Commercial Planned Development (CPD) District is to provide lands and development options to accommodate commercial and office development with amenities, along with multiple-family, townhouse, live/work, hotel/motel, health care facilities, and other limited institutional development. Flexibility is provided, with an expectation that development quality will surpass what is otherwise achievable through the conventional zoning districts. District standards encourage the efficient use of land and resources, promote greater efficiency in providing services and infrastructure, and mitigate potential adverse impacts on surrounding development.



B. Use Standards

All principal and accessory uses shall be consistent with the uses allowed in the CPD District in Table 3-702.F: Planned Development Districts Uses, and be identified in the PD Master Concept Plan, in accordance with Sec. 3-702.D, General Standards for All Planned Development Zoning Districts.

C. Intensity and Dimensional Standards	
Standard	Requirement
Lot area (ft ²)	To be established in the PD Master Concept Plan as set forth in Sec. 3-702, Planned Development Districts, Generally. The CPD 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	
Waterbody setback	25 feet from the edge of the waterbody
Building height, max. (ft.)	45
Setbacks from external perimeter of planned development	[1] [2] [3] [4]

NOTE:

- [1] The width of any buffer area or landscape strip required by Section 5-4, Landscape Standards, or 15 feet, whichever is greater.
- [2] Parking or internal roads or drives shall not be closer to the development perimeter than the width of any buffer area or landscape strip required by Section 5-4, Landscape Standards.
- [3] The provisions of this subsection notwithstanding, the Village Council may require greater setbacks and buffers when, in its opinion, they are necessary for the protection of public health, safety, or welfare.
- [4] Uses allowed in required perimeter setbacks include bikeways, pedestrian walks, sidewalks, jogging paths, and park furniture, including gazebos and picnic shelters.

D. District-Specific Development Standards

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

1. Industrial Uses

- A. All light industrial and industrial uses shall be conducted within a fully enclosed building.
- B. Any industrial use shall not emit dust, smoke, odor, or other air or water pollutants, glare, sound or other vibration that can be perceived outside the boundaries of the development site.
- C. Industrial uses shall not receive, process, or create hazardous materials.

2. Pedestrian Connections

The planned development is encouraged to provide pedestrian connections within the site and to adjacent public roads. Amenities may include, but are not limited to:

- A. Sidewalks and paths, including connections to buildings, parking areas, open space areas, and public roads;
- B. Wayfinding markers and signage; and
- C. Crosswalks, raised intersections, traffic signals, or other safety features.

3. General Development Standards

- A. Development in a CPD district shall comply with the standards in Chapter 5: Site Development Standards, Chapter 6: Signage, and Chapter 7: Natural Resources, unless they are deviated from as allowed by Table 3-705.D.3.A: Development Standards Subject to Deviations.

TABLE 3-705.D.3.A: DEVELOPMENT STANDARDS SUBJECT TO DEVIATION	
Standard	Means to Deviate
Section 5-2, Off-Street Parking, Bicycle Parking, and Loading Standards	PD Master Concept Plan
Section 5-3, Mobility and Connectivity Standards	PD Master Concept Plan
Section 5-4, Landscape Standards	PD Master Concept Plan, except deviation from minimum open space standard prohibited
Section 5-5, Fence and Wall Standards	PD Master Concept Plan
Section 5-6, Exterior Lighting Standards	PD Master Concept Plan
Section 5-7, Architectural, Form, and Design Standards	Deviations Prohibited
Section 5-8, Green Building Standards	Deviations Prohibited
Chapter 6: Signage	PD Master Concept Plan
Chapter 7: Natural Resources	Deviations Prohibited

- B. Modifications to development standards, as allowed in Table 3-705.D.3.A: Development Standards Subject to Deviations, shall be:
1. Consistent with the purpose of the CPD district; and
 2. Documented in the PD Master Concept Plan, stating a clear basis for why the change is needed and how it supports and is consistent with the comprehensive plan and high-quality development, and how it enhances the planned development.

4. Site Access

Roads, alleys, and driveways proposed shall be adequate to serve the development and other anticipated traffic of the CPD district.

5. Off-Street Parking

Where appropriate, common driveways and parking areas are encouraged to be provided.

6. Pedestrian Circulation

The pedestrian circulation system and its related walkways shall be insulated as completely as possible from the vehicular road system in order to provide separation of pedestrian and vehicular movement.

7. Outdoor Display of Goods

All outdoor display of goods for sale shall be set back from public rights-of-way a minimum of 25 feet.

8. Outdoor Storage of Goods

Any outdoor storage of retail or wholesale goods shall be enclosed by a wall or opaque fence or solid hedge, not less than six feet in height, or otherwise completely and visually buffered.

9. Utilities

The CPD shall provide for underground installation of utilities (including electricity and telephone) for new development. Provisions shall be made for acceptable design and construction of storm water facilities including grading, gutter, piping, and treatment of turf and maintenance of facilities.

10. *Sale of Alcoholic Beverage*

Package sales and sale of alcoholic beverages for on-premises consumption shall be governed by the provisions of Section 4-4, Alcoholic Beverages, and other special conditions included in the PD Master Concept Plan.

3-706. MIXED-USE PLANNED DEVELOPMENT (MPD) DISTRICT

A. Purpose

The purpose of the Mixed-Use Planned Development (MPD) district is to encourage integrated, well-planned, pedestrian-friendly, mixed-use developments in appropriate locations throughout the Village, including but not limited to lands designated Transitional Mixed Use in the Future Land Use Map in the comprehensive plan. A range of residential and nonresidential uses are allowed, with the intent of providing a variety of housing options and mutually-supportive nonresidential uses that serve the residents and the surrounding neighborhood.

The district accommodates a wide range of commercial, office, lodging (hotels), government (public and quasi-public), residential, and supporting civic uses (like schools and places of worship).

Flexibility is provided, with an expectation that development quality will surpass what is otherwise achievable through the conventional zoning districts. District standards encourage the efficient use of land and resources, promote greater efficiency in providing services and infrastructure, and mitigate potential adverse impacts on surrounding development.



B. Use Standards

All principal and accessory uses shall be consistent with the uses allowed in the MPD District in table 3-702.F: Planned Development Districts Uses, and be identified in the PD Master Concept Plan, in accordance with Sec. 3-702.D, General Standards for All Planned Development Zoning Districts.

C. Intensity and Dimensional standards	
Standard	Requirement
Lot area (ft ²)	To be established in PD Master Concept Plan and as set forth in Sec. 3-702, Planned Development Districts, Generally. The MPD District shall be consistent with the goals, policies, and objectives in the comprehensive plan, and the FLUM.
Lot coverage, max (percent of total area)	
Lot width, min. (ft.)	
Lot depth, min (ft.)	
Side setback, min. (ft.)	
Rear setback, min. (ft.)	
Street setback (arterial street with frontage road) (ft.)	
Street setback (arterial street without frontage road) or local street (ft.)	
Street setback (private street) (ft.)	Consistent with comprehensive plan, and for lands designated Transitional Mixed Use, the bonus density standards (if applicable)
Intensity/Density	
Building height, max. (ft.)	45
Waterbody setback	50 feet from the edge of the waterbody

D. District-Specific Development Standards

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

1. Use mixing

The development shall provide a mix of residential and nonresidential uses by meeting or exceeding the following thresholds:

- A. Including a residential component of 50 or more dwelling units;
- B. Including a commercial component on a parcel at least two acres in area that includes 30,000 square feet of floor area

2. Building Orientation

The front façade of all buildings, as defined by the primary entrance, shall face a street or a courtyard, plaza, or similar open space.

3. Buildings to the Front

Buildings are strongly encouraged to be brought to the front of the lot, and placed within a build-to zone that is at a minimum 15 feet from the street setback line and a maximum of 40 feet from the street setback line, and ensure that buildings be located along a minimum of 60 percent of the build-to zone. Development is also encouraged to locate outdoor gathering spaces, dining areas, plazas, landscaped areas, and similar uses in the build-to-zone, between the building and the sidewalk.

4. Pedestrian Connections

A. Pedestrian connections shall be provided to establish connections within the site, and to adjacent public streets. Pedestrian elements may include, but are not limited to:

- 1. Bicycle lanes, and trails;
- 2. Wayfinding markers and signage;
- 3. Crosswalks, raised intersections, traffic signals, or other safety features;
- 4. Curb cuts for bicycles, wheelchairs, and other forms of non-motorized transportation; and
- 5. Sidewalks and paths that connect to buildings, parking areas, open space areas, and public roads, as appropriate.

B. The vehicular, bicycle, and pedestrian circulation systems of development shall be designed to allow vehicular, bicycle, and pedestrian cross-access between the site and adjacent parcels of land. The Director may waive or modify this requirement on determining that such

cross-access is impractical due to site constraints, is inappropriate due to traffic safety issues, or is undesirable due to the proposed development’s incompatibility with existing development on the adjacent parcel.

- C. Easements allowing vehicular, bicycle, or pedestrian cross-access between adjoining parcels of land, along with agreements defining maintenance responsibilities of the property owners, shall be recorded in the land records of Lee County.

5. *Parking Location*

A minimum of 75 percent of all proposed new or additional surface parking areas shall be located to the side or rear of the development’s principal building(s) or in a parking structure. There shall be no more than two rows of parking in the front of the building. Surface parking lots with more than 100 parking spaces shall be organized into smaller modules that contain 50 or fewer spaces each and are visually separated by buildings or landscaped areas. All parking areas and structures containing more than 50 parking spaces shall provide clearly identified pedestrian routes between parking areas and a primary pedestrian entrance(s) to the building(s) served by the parking area.

6. *Pedestrian Circulation*

Sidewalks shall be provided on both sides of the street, with a planting strip (street trees at one per 50 feet on center (on average), ground cover and/or grates located in this planting area). To the maximum extent practicable, street trees shall be planted between the sidewalk and the street. Sidewalks shall maintain a pedestrian “clear zone” that is unobstructed by any permanent or nonpermanent object for a minimum width of six feet. Where a sidewalk or other walkway crosses a street, driveway, drive aisle, or parking lot, the crossing shall be clearly marked with a change in paving material, color, or height.

7. *General Development Standards*

- A. Development in a MPD district shall comply with the standards in Chapter 5: Site Development Standards, Chapter 6: Signage, and Chapter 7: Natural Resources, unless they are deviated as allowed by Table 3-706.D.7.A: Development Standards Subject to Deviations.

TABLE 3-706.D.7.A: DEVELOPMENT STANDARDS SUBJECT TO DEVIATION	
Standard	Means to Deviate
Section 5-2, Off-Street Parking, Bicycle Parking, and Loading Standards	PD Master Concept Plan
Section 5-3, Mobility and Connectivity Standards	PD Master Concept Plan
Section 5-4, Landscape Standards	PD Master Concept Plan, except deviation from minimum open space standard prohibited
Section 5-5, Fence and Wall Standards	PD Master Concept Plan
Section 5-6, Exterior Lighting Standards	PD Master Concept Plan
Section 5-7, Architectural, Form, and Design Standards	PD Master Concept Plan, except shall comply with the standards in Sec. 5-705.C, Mixed-Use Development Design Standards
Section 5-8, Green Building Standards	Deviations Prohibited
Chapter 6: Signage	PD Master Concept Plan
Chapter 7: Natural Resources	Deviations Prohibited

- B. Modifications to development standards, as allowed in Table 3-706.D.7.A: Development Standards Subject to Deviations, shall be:

1. Consistent with the purpose of the MPD district; and
 2. Documented in the PD Master Concept Plan, stating a clear basis for why the change is needed and how it supports and is consistent with the comprehensive plan and high-quality development, and how it enhances the planned development.
- 8. *Site Access***
Roads, alleys, and driveways proposed shall be adequate to serve the development of the PD district, but may be designed to discourage through-traffic from traversing the development.
- 9. *Outdoor Display of Goods***
All outdoor display of goods for sale shall be set back from public rights-of-way a minimum of 25 feet.
- 10. *Outdoor Storage of Goods***
Outdoor storage of retail or wholesale goods is prohibited.
- 11. *Utilities***
The MPD shall provide for underground installation of utilities (including electricity and telephone) for new development. Provisions shall be made for acceptable design and construction of storm water facilities including grading, gutter, piping, and treatment of turf and maintenance of facilities.
- 12. *Sale of Alcoholic Beverage***
Package sales and sale of alcoholic beverages for on-premises consumption shall be governed by the provisions of Section 4-4, Alcoholic Beverages, and other special conditions included in the PD Master Concept Plan.
- 13. *Bonus Density***
As part of an application for MPD rezoning for property that is designated Transitional Mixed Use on the Future Land Use Map, the density bonuses listed in Table 3-706.D.13: Transitional Mixed Use Bonus Density, may be granted through the public hearing process:

TABLE 3-706.D.13: TRANSITIONAL MIXED USE BONUS DENSITY

Development Type	Standard Density (Maximum)	Bonus Density (Maximum)
Integrated Horizontal Mixed-Use Development Subject to Compatibility Standards	1 dwelling unit (du) per acre, up to 10 dus per acre, based on gross residential acreage	<p>Up to 14 dus per acre total on the site, based on gross residential acreage, if the proposed development:</p> <ul style="list-style-type: none"> • Ensures that all buildings are connected by pedestrian ways or sidewalks; • Preserves all environmentally sensitive lands on the site consistent with the comprehensive plan; • Locates all development outside the 100-year floodplain; • Provides adequate recreational land on the site to serve the residents of the development; • Provides access from the site to any adjacent public recreational lands, or other public trails, greenways, or pedestrian ways; • Exceeds the Gathering Place standards of Table 5-705.C.1: Placemaking Standards, by a minimum of 15 percent; • Provides contributions to the Village, for acquisition of off-site environmentally sensitive lands, Village recreational lands, or public open space in accordance with Ordinance No. 2017-03.
Vertical Mixed-Use Development Subject to Compatibility Standards	1 du per acre, up to 16 dus per acre, based on gross acreage (including nonresidential land)	<p>Up to 20 dus per acre based on gross acreage (including nonresidential land), if the proposed development:</p> <ul style="list-style-type: none"> • Complies with all the provisions of Sec. 3-706.D.3, Buildings to the Front; • Ensures all (100 percent) of the off-street parking is located to the side or rear of the buildings, with no greater than 30 percent of the parking located to the side of any building; • Provides in appropriate locations of greatest pedestrian activity on the site, sidewalks greater than six feet in width; • Locates all development outside the 100 year floodplain; • Provides adequate recreational land on the site to serve the residents of the development consistent with the comprehensive plan; • Provides access from the site to any adjacent public recreational lands, or other public trails, greenways, or pedestrian ways; • Exceeds the Gathering Place standards of Table 5-705.C.1: Placemaking Standards, by a minimum of 15 percent; • To the maximum extent practicable, establishes a block layout development pattern; • Provides contributions to the Village, for acquisition of off-site environmentally sensitive lands, Village recreational lands, or public open space in accordance with Ordinance No. 2017-03.

3-707. ESTERO PLANNED DEVELOPMENT (EPD) DISTRICT

A. Estero Planned Development (EPD) District

1. This LDC contains two zoning districts that encourage land in the Village Center Area to be developed or redeveloped with a greater mix of uses and higher densities when placed in walkable mixed-use patterns. One district is the Compact Community Planned Development (CCPD) District. The other is the Estero Planned Development (EPD) District, which is established in this section. Any rezoning or zoning amendment within the Village Center Area shall be to one of these two districts.
2. The EPD district contains tiered standards that apply to the Village Center Area. Landowners may apply for an amendment to the Official Zoning Map for planned development (Sec. 2-501.D, Planned Development) to have these new standards and densities applied to specific tracts of land.

B. General Criteria

The general criteria for the EPD District are as follows and will apply in all tiers, as defined below. These general criteria set out the defining principles used to create the standards for the EPD district and provide the rationale to be followed with respect to any amendment to the Official Zoning Map, or other applications for development in the district. Wherever issues arise in such amendment process or other applications, which are not specifically determined by the EPD District tier standards, the general criteria shall be applied. As part of the approval process with respect to an amendment or other application for development in the EPD District, the Village Council, shall make a written finding as to whether, and to what degree, such application is consistent with these General Criteria.

1. Goals

The specific goals set forth in the comprehensive plan for the Village Center Area include creating socially vital centers supportive of business both big and small, neighborhoods and streets that are safe and attractive for walking and bicycling, the preservation of community history, and the protection of the environment, particularly along the Estero River.

2. Reasonable Standards

The provisions of this LDC implementing the EPD District are designed as reasonable standards and guidelines to foster consistent and high quality built results and public spaces by using physical form (rather than separation of uses) as the organizing principle for achieving the goals and objectives set forth in the comprehensive plan relating to the Village Center Area. Such standards designate the requirements for the required pattern books, the locations where different building form standards apply, the relationship of buildings to the public space, and public standards for such elements in the public space as sidewalks, bicycle lanes, automobile travel lanes, on-street parking, street trees, street furniture, and other aspects of the urban built environment that may be applicable to foster interconnection, social vitality, and walkability in the Village Center Area. Such standards also permit other reasonable means that accomplish the goals and objectives of the comprehensive plan in a different or complementary manner by the Village's ability to grant deviations or variances from the standards set forth herein in circumstances where the strict application of the standards will not best achieve the goals underlying such requirements.

3. Accessibility

The criteria implementing the EPD District for the Village Center Area are designed to make the public space accessible, both socially and physically connected, and walkable. Such guidelines (a) are based on the primacy of the human scale over the automobile, (b) are designed to balance private property interests and property rights with public goals, and (c) enjoy simple, understandable, and physically determined methods to achieve these goals.

4. Streets

In these criteria the street becomes the key part of the public space. All streets shall in some way become a part of a connected, continuous street network which are designed to encourage the mixing of uses in the Village Center Area. A variety of different types of streets which connect neighborhoods and destinations will serve the public interest by minimizing the traffic load and the need for increased capacity on any one street. Except as specifically set forth in this section,

streets shall not end in dead ends, cul-de-sacs, hammerheads, or other forms which do not connect with other streets.

5. *Street Design*

Distances between intersections of streets should favor the goals and objectives of enhancing walkability of streets and connectivity. The design of streets shall favor their proper use by pedestrians, where the guiding principle is to calm traffic and to specifically slow traffic at intersections to allow pedestrians to cross streets quickly and safely. Landscaped medians and two-way streets help to achieve these goals and objectives by reducing the apparent width of streets and providing safer crossings. On-street parking, where appropriate and feasible, protects pedestrians from the actual and perceived danger of moving traffic.

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. 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.

7. *The Visual Edge*

The sidewalks, setbacks, building façades, and other characteristics of the visual edge of a publicly accessible street are also important features under the standards for the EPD District. The height of the buildings, setbacks, and projections 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 social vitality of the street. So too are the characteristics of built form and landscape design which are deemed to be mutually dependent.

8. *Architecture*

Architectural variety of buildings and unique approaches to design and structure are to be valued under the standards for the EPD District. However, equally important is the fact that adjacent buildings and public spaces that share some of the characteristics of its neighbors will generate a cohesive framework in the Village Center Area.

9. *Quality of Buildings*

Buildings are like permanent fixtures in the landscape of the Village. They should be constructed with sufficient material and of such 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.

C. Applications and Procedures

Except as otherwise specifically set forth in this section, application requirements and approval procedures under this LDC for the EPD District will be the same as for other amendments to the Official Zoning Map for planned developments (see Sec. 2-501.D, Planned Development), except that the Master Concept Plan will be replaced by a Tiered Development Plan as follows:

1. In place of designating "individual development areas," the development plan shall indicate the connecting street network and proposed tier designations:
 - A. The development plan shall show the proposed configuration and location of the connecting street network, including the connection points along the perimeter and the routes between those points.

- B. All land within the development plan shall be designated to be within one or more of the tiers established in Sec. 3-707.D, Tiers.
 - C. The development plan shall show additional streets behind and in some cases between outparcels where these streets are required.
 - D. For land in Tier 1, only the development plan shall show any additional streets that are planned as connecting streets. as such term is defined in this LDC.
 - E. For land in Tiers 2 or 3, the development plan shall show the location of all proposed streets and indicate the classification of streets as described in Sec. 3-707.H.1, Public Versus Private Streets.
2. Mixes of complementary uses of land are encouraged within the EPD District. The development plan shall indicate the proposed uses of land in each tier. If the development plan includes outparcels along arterial or collector roads, the proposed uses on those sites shall also be indicated.
 3. The development plan shall demonstrate compliance with the additional standards and intent of this section.

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:
 - A. **Tier 1** accommodates residential neighborhoods and incidental commercial uses with a minimum network of connecting streets for the general public and residents to move by car, bike, and on foot.
 - B. **Tier 2** accommodates residential neighborhoods with higher densities than Tier 1 and a potential for a greater variety of housing types, as well as mixed-use neighborhoods with a higher level of non-residential uses and, in each case greater connectivity than Tier 1.
 - C. **Tier 3** accommodates mixed-use neighborhoods with similar attributes as Tier 2 but with potentially higher densities and a higher level of non-residential uses as well.
 - D. **Tier 4** allows an entire development tract to be planned as a compact community.
2. Applications for the EPD District shall designate at least Tier 1 for the entire property being amended to an EPD District. Applications may also request Tier 2 or Tier 3 for all or portions of the property specified on the development plan. Tiers 2 and 3 can comprise entire compact neighborhoods or can be applied in smaller increments as parts of other neighborhoods. See examples of potential tier arrangements in Figure 3-707.T.2, which is provided for illustrative purposes only. Applicants seeking Tier 4 shall demonstrate the entire property being rezoned complies with Sec. 3-708, Compact Community Planned Development (CCPD) District.
3. The provisions in Policy FLU-1.7.1 of the comprehensive plan regarding vested rights and the procedure for determining such vested rights shall be utilized in circumstances under this section where a property owner is unclear as to the exact nature of the vested rights that are claimed.
4. Amendment approvals for the EPD District will not force the reduction in the overall number of dwelling units allowed by an unexpired Master Concept Plan for the same tract and will not nullify any conditions of the original density grant. However, notwithstanding the foregoing sentence, such amendment approvals for the EPD District may require the reconfiguration of streets, individual development areas, access points for connecting streets or other local streets, preserve areas, and other site plan details.
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.

E. Maximum Residential Density

1. Residential densities within each tier of a proposed development plan are established by the Village Council during the amendment process (Sec 2-501.D, Planned Development). These density levels shall be within the density ranges in the comprehensive plan (see Policy FLU-1.2.1).
 - A. For land in Tier 1, densities are measured in dwelling units per gross residential acre of Tier 1 land as density is defined in the glossary of the comprehensive plan.
 - B. For land in Tiers 2 or 3, or entirely in Tier 4, densities are measured in dwelling units per gross acre for each entire tier, including non-residential land in that tier.
2. Maximum residential densities for land in each tier are identified in Table 3-707.E: Maximum Residential Densities:

TABLE 3-707.E: MAXIMUM RESIDENTIAL DENSITIES		
Tiers	Base Densities	Additional Densities if Incentive Offers are Accepted as Providing Significant Public Benefits
Tier 1	Up to 6	6.1 to 9
Tier 2	Up to 10	10.1 to 14
Tier3	Up to 15	15.1 to 20
Tier 4	Up to 21	21.1 to 27

3. During the amendment process, the Village Council, among other determinations, may reduce the residential density from Table 3-707.E: Maximum Residential Densities, if the Council determines that the proposed project does not meet all of the requirements as well as the intent of the district, or if significant deviations are requested from essential requirements upon which the applicable density increase in the district are sought, or if the incentive offers that are proposed do not provide significant public benefits.

F. Maximum Building Height

1. Building heights in the EPD district are measured the same as for all other development in Estero.
2. Maximum building heights for land in each tier are identified in Table 3-707.F: Maximum Building Height:

TABLE 3-707.F: MAXIMUM BUILDING HEIGHT		
Tiers	Base Height Allowance	Maximum Height if Incentive Offers are Accepted as Providing Significant Public Benefits
Tier 1	45 feet	45 feet
Tier 2	50 feet	60 feet
Tier3	60 feet	70 feet
Tier4	70 feet	80 feet

G. Pattern Books

Planned development amendments shall include a pattern book that illustrates the anticipated visual character of new development including its architecture and landscaping. All applications for the EPD District, except for those in Tier 4, shall meet the requirements listed below for the respective tier within their required pattern book. A pattern book is optional but recommended for Tier 4 applications. The following standards for pattern books required under this section apply to specific tiers. Where there are direct conflicts with another provision of this section, these standards will apply.

1. Tier 1 Pattern Book

A pattern book for land proposed only for Tier 1 is not as detailed as a pattern book for higher tiers. Pattern book contents for lands designated for Tier 1 development shall include at least the following to demonstrate consistency with (or identify deviations or variances from) the standards outlined in this section.

- A. Illustrative colored site plan on an aerial photo that depicts:
 - 1. Configuration and phasing of all connecting streets. 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.
 - 2. Bicycle/pedestrian circulation including potential connections to adjoining property.
 - 3. Landscaped areas, preserved areas, open spaces, civic spaces, gathering places, natural and cultural resources, and community facilities, where applicable.
 - 4. Water management areas (conceptual).
 - 5. Development areas labeled with approximate acreages and with proposed uses.
- B. Architectural elevations that depict the generalized architectural theme or themes that will be characteristic of all façades of buildings throughout the development plan, and including a proposed color palette.
- C. Landscaping and open space plan with typical buffer planting detail.
- D. 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.).
- E. For land adjoining the Estero River, a map showing the top of the riverbank and the regulatory floodway designated on the official flood maps. (Depict the proposed setback of buildings and land alterations from the top of the riverbank and the location of all proposed buildings and land alterations within 200 feet of the river.)
- F. 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. *Tier 2 and Tier 3 Pattern Books*

All of the Tier 1 standards for pattern books are applicable in Tier 2 and Tier 3 as well. In addition to the underlying Tier 1 standards, the following standards apply to a Tier 2 and Tier 3 pattern book:

- A. On the illustrative site plan, provide the following additional information:
 - 1. Location, shape, and size of proposed detention and retention areas.
 - 2. Location and size of development tracts, labeled with approximate acreages and with proposed uses.
 - 3. Location and cross-sections of streets, sidewalks, and off-street facilities for walking or biking.
 - 4. A three-dimensional diagram or rendering that shows the scale and massing of buildings proposed in each development tract.
 - 5. Location and size of common parking areas.
 - 6. Location and approximate size of lots.
- B. Typical façade detailing for all sides of buildings.

H. **Streets and Street Appurtenances**

Pursuant to the General Criteria, under these guidelines the street can become a key part of the public space. The goal of the Village with respect to streets is to incentivize the creation of a variety of different types of streets, which can connect neighborhoods and destinations and serve the public interest by minimizing the traffic load and the need for increased capacity in any one street. The following standards will apply in the EPD District:

1. *Public Versus Private Streets*

The public versus private nature of a street can vary. The following street classification is used in the EPD District:

A. *Type A*

A public street that will be owned and maintained by the Village. Type A (public streets) shall be dedicated to and accepted by the Village.

B. *Type B*

A semi-public street that will be privately owned and maintained through a recorded easement which grants the general public the right to travel by motor vehicle, bicycle, and by foot. Type B streets will not be dedicated to the Village. The semi-public nature of these streets shall be indicated on the site plan and on the plat, if the project is platted, and memorialized on such recorded easement:

C. *Type C*

A private street that may or may not be accessible to the public: an easement for public use is not required. Type C will be privately maintained and the private nature of these streets shall be indicated on the site plan and on the plat, if the project is platted.

2. *Connecting Streets*

A. Connecting street(s) are local streets most of which will not carry significant traffic volumes. An example of connecting street patterns is shown on Figure 3-707.T.1, which is provided for illustrative purposes only. Sidewalks and regularly spaced street trees are required on both sides of connecting streets.

B. The Framework Plan described in Appendix B: EPD District Framework Plan identifies the approximate points where connecting streets in the EPD District shall connect with surrounding streets (existing and future). The proposed internal alignment of connecting streets shall be shown on the development plan and shall provide reasonably direct routes to such connections. If, and to the extent permitted by law, the connecting streets shown on the Framework Plan are required as a part of an amendment unless the Village grants a deviation from this requirement.

C. For development sites smaller than 10 acres, connecting streets shall be constructed during the initial development phase.

D. For development sites larger than 10 acres, construction of the connecting streets may be phased, provided the development plans propose a phasing plan acceptable to the Village that includes guarantees that the connecting street network will be fully constructed.

E. Developers may propose a variety of different types of local streets in addition to connecting streets and streets behind/between outparcel sites. However, except as specifically provided in subsections 3.B and 3.C below, all streets shall form a part of a connected, continuous street network, and shall not end in dead ends, cul-de-sacs, hammerheads, or other forms which do not connect with other streets.

3. *Street Standards*

A. Typical cross-sections of connecting streets are shown on Figure 3-707.T.3 for illustrative purposes only, and are strongly encouraged to be followed in all of the tiers with respect to such streets where feasible. Variations of such cross-sections may be allowed by deviation depending on the uses along such streets and as long as the provisions of the General Criteria are met, including without limitation, the goals of connectivity and walkability.

B. Where required connecting streets or other local streets terminate at the rail corridor or other places where through passage cannot be provided at the time of development application, right-of-way for the street shall be provided to the edge of the development tract and the street shall be temporarily terminated with a cul-de-sac or hammerhead turnaround in accordance with Chapter 19 of the Florida Greenbook (latest edition as published by Florida DOT). The developer is not obligated to obtain permission to cross the rail corridor or to extend a street across property owned by other parties, but the developer and successor owners shall allow these streets to be connected at such time as connections become feasible.

- C. Local streets within residential parcels which are approved pursuant to an amendment of the Official Zoning Map with access control features may utilize cul-de-sacs or hammerhead turnarounds for purposes of automobile circulation, provided that such streets which end in cul-de-sacs or hammerhead turnarounds are connected with other streets in such parcel by a footpath or trail allowing bicycle and walking connectivity between such local streets within such parcel.
- D. If, and to the extent allowed by law, the required connecting streets shown on the Framework Plan with respect to development in any of the tiers shall be publicly accessible either as a Type A Public Street or a Type B Semi-Public Street, the determination to accept a dedication of a street as a Type A public street shall be made solely by the Village. Streets behind/between outparcels are encouraged but not required to be Type B Semi-Public Streets. All other local streets may be either Type B or Type C Private Streets as determined during the amendment process.
- E. The provisions of this section requiring connecting streets as shown on the Framework Plan and requiring that such connecting streets be publicly accessible may be subject to legal limitations, such as the dual rational nexus test or other limitations found in the case law, that may require the Village to provide offsetting impact fee credits or to make public investments under its capital improvements budget with respect to, and to the extent of, the fair compensation for such requirements. The Village will determine whether or not to provide such impact fee credits or public investments, and the value thereof, or will agree to waive the requirements regarding such publicly accessible connecting streets through deviation or variance, in either case at the time of consideration of a development order application by the Village Council.

4. *Streets for Outparcel Sites*

- A. Development plans may propose outparcel sites along arterials for freestanding buildings including commercial and mixed-use buildings. Outparcels may initially accommodate highway-oriented uses so long as they are configured in such a way as to not preclude future redevelopment at higher intensities in a compact walkable form.
- B. The following street requirements apply when outparcel sites are proposed:
 - 1. A parallel street (or reverse frontage road) shall be provided immediately behind these sites to provide access to and from connecting streets and to integrate these sites with their surroundings.
 - 2. A short perpendicular street is encouraged as a best practice between the arterial and the parallel street so that there are a reasonable number of access points to such parallel street so as to assure the walkability of such street and enhance connectivity, provided that such access points are otherwise allowable by the governmental agency which owns and maintains such arterial or collector roads. Best practices regarding such perpendicular streets is not required, but is to be viewed as a goal to be attained where reasonable and feasible.
- C. See also Sec. 3-707.H.4, Streets for Outparcel Sites, which provides visible edge standards for outparcel sites.

5. *Utilities along Streets*

- A. Development plans shall indicate the general location of utility lines so that utility easements can be coordinated in a manner that minimizes the impact of utility lines on landscaping and street trees. Where allowed, deviations may be requested from general standards in the LDC for utility easements if needed to allow the proposed placement of utilities.
- B. When alleys or rear lanes are provided, they are the preferred location for “dry” utility lines such as electricity, telephone, cable television, and fiber optic cables. The rights-of-way of local streets are the preferred location for “wet” utility lines such as water and wastewater.
- C. Above-ground utility lines are prohibited in the EPD district.

I. **Lots and Blocks**

The overall size and dimensions of lots and blocks in the Village Center Area have a direct impact on the connectivity of the streets. Developments in the EPD District shall have reasonable flexibility in determining the size and dimensions of both lots and blocks within their developments. Rather than

specify particular sizes or dimensions for lots and blocks, these standards will allow variations in such forms as long as the overall goals and objectives for connectivity and walkability are achieved. Based on the connectivity requirements set forth in Sec. 3-707.H, Streets and Street Appurtenances, with respect to the creation of a network of streets, the result will likely be the creation of lots and blocks of land with differing sizes and dimensions.

1. Based on the connectivity of the streets, developable land in Tier 1 may be divided into blocks, and each block may be surrounded in whole or in part by a publicly accessible street. The streets surrounding such blocks may be straight, curved, or bent.
2. Best practices for block perimeters in the Village Center Area shall not exceed 2,000 linear feet in Tier 1 or 1,600 linear feet in Tiers 2 or 3, in each case as measured along the inner edges of each surrounding street.
3. However, best practices for block perimeters may be as large as 2,400 linear feet in Tier 1 or 2,000 feet in Tiers 2 or 3, where the following conditions are present:
 - A. One side of the block faces an arterial or collector street or a railroad;
 - B. The block contains or is bordered by a river, natural flow way, wetlands, or indigenous plant community that is being preserved; or
 - C. The block contains a lake or shared amenities for residents of that block.
4. In Tier 2 and Tier 3, blocks are encouraged to be subdivided with rear lanes or alleys to provide access to parking service areas and utilities. Block perimeter measurements are not affected by the presence of rear lanes or alleys in a block.
5. The best practices for block perimeters are not required, but are to be viewed as goals to be attained where reasonable and feasible given the nature of the flexible approach to lots and blocks set forth above.

J. Indigenous Plant Communities and the Estero River Buffer

1. *Indigenous Plant Communities*

Chapter 7: Natural Resources, requires large developments to preserve a portion of the indigenous plant communities that exist on their sites.

- A. Development in the EPD District shall indicate on the development plan the extent to which the indigenous cypress, oak, and cabbage palm plant communities that were on the site when the Village incorporated will be preserved. The Village shall maintain a map of such indigenous plant communities as of December 31, 2014.
- B. Primary preservation areas are those with the densest indigenous plant communities, those nearest to the Estero River, and those with the closest association with the historic Koreshan Unity settlement and its National Register Historic District.
- C. Such preserved indigenous plant communities may be counted toward the 50 percent preservation requirement in Chapter 7: Natural Resources.
- D. Failure of the development plan to preserve a reasonable number of such indigenous plant communities may be grounds for the Village to reduce the proposed base residential density under such development plan.

2. *Waterbody Buffers*

A. *Estero River Buffer*

1. For land adjoining the Estero River, buildings and other structures shall maintain a separation area from the river. The minimum separation area is designated 75 feet from the top of the river bank on the north side of the Estero River, and 100 feet from the top of the river bank on the south side of the Estero River.
2. See Sec. 10-304.C, Additional Buffer from the Estero River.

B. *Natural Waterbody Buffer*

For land adjoining a natural waterbody other than the Estero River, buildings and other structures shall maintain a separation area from the river. The minimum separation area is designated 50 feet from the edge of the waterbody.

K. Surface Water Management

1. Development plans shall arrange surface water management facilities to minimize impacts on connectivity and walkability. This can be accomplished in many ways, including, without limitation, by having a connecting street or pedestrian way go across larger lakes, by reducing the size of individual lakes, by placing lakes where passage is already constrained, by adjoining uses such as the rail corridor, or similar arrangements designed to be supportive of connectivity and walkability.
2. Development plans shall provide a unified surface water management system for at least the entire tract and should anticipate water management needs for future intensification anticipated for the site.
3. In Tier 2, the development plan is encouraged to include deviations from the surface water management standards in Chapter 7: Natural Resources, in order to minimize the amount of land devoted to lakes and channels. Best practices for compact surface water management include pervious or permeable paving to reduce storm water runoff and steeper slopes or a higher percentage of bulkheads along lake banks.
4. In Tier 3, best practices for compact surface water management include the same methods as in Tier 2, but also may include stormwater detained underground or other advanced methods as may be feasible.
5. The best practices for compact surface water management are not required, but are to be viewed as goals to be attained where reasonable and feasible. In Tier 2 and Tier 3, deviations are encouraged to accomplish compact surface water management goals, and developers shall make reasonable efforts where feasible to seek and achieve similar deviations with regards to permitting requirements of the South Florida Water Management District.

L. Visible Edges

The edges of development tracts can be critical transitions between private and public space. Where these edges adjoin streets accessible to the general public, buildings shall present an attractive public face that contributes to public life and activity in the Village Center Area. One of the most important goals set forth in the General Criteria is to create public spaces along connecting streets which enhance and incentivize the social vibrancy of the Village Center Area. The guidelines set forth here are designed to achieve such goals.

1. Tier 1

The following standards and guidelines apply to the visible edges of development tracts that are nearby and visible from a connecting street or a collector road:

- A. Wherever reasonable and feasible, buildings shall have their principal street façade along the visual edge of such connecting street or collector road. The uninterrupted building length (or combined attached group of buildings) cannot exceed such a length as to create an unreasonably long façade which is either unarticulated, minimally unarticulated, or would become unattractive from a visual perspective along such connecting street or collector road. Illustrations of reasonable and proper placement of buildings on lots are found in Figure 3-707.T.3, which are incorporated herein as requirements in all of the tiers.
- B. Private parking spaces and lots shall be located behind the building and may be accessed by a street, driveway, alley, or lane; these accesses may be secured with a operable metal gate if the gate's structure is not unreasonably opaque so as to become a visual barrier to the view from the connecting street or collector road.
- C. Building entrances shall be clearly visible from and directly accessible from the connecting street. The number of building entrances and the design of single or common entrances for single-family or multifamily or non-residential buildings shall be reasonably related to the number of separate facilities in such building and shall be visually pleasing along the connecting street or connector road. The design for such entrances and any walls between the building and the connecting street or collector road shall be shown in the Pattern Book relating to the appropriate Tier.
- D. Medium height solid walls or solid fences not in excess of approximately 3.5 feet tall, and other non-solid fences, not in excess of six feet tall, may secure space between buildings, but

shall be contiguous with, and not project beyond, any adjacent building's front façade unless part of an exterior courtyard entrance.

2. Outparcel Sites

The following standards apply to the visible edges of development tracts that are designated as outparcel sites (see Sec. 3-707.H.4, Streets for Outparcel Sites,):

- A. Buildings shall be oriented to the parallel road (reverse frontage road) and have at least one entrance in each building clearly visible from and directly accessible from the parallel street.
- B. Service and/or back-of-house functions may not be located between the building and the parallel street without provision for reasonably adequate screening and landscaping so that such functions are not visible from the parallel street.
- C. Exterior façades of out-parcel buildings must be treated as primary façades and must 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. Tiers 2 and 3

Visual edges along connecting streets in more intense areas take on increasing importance because more activity takes place outside of vehicles. In addition to the visual edge standards set forth in subsections 1 and 2 above, the following visible edge standards apply in Tier 2 along the edge of all connecting streets and other local streets:

- A. Buildings shall have their principal street façade within a reasonably close distance from the appropriate edge of the street. For connecting streets, if feasible, a reasonably close distance from the street and the pedestrian sidewalk along such connecting street would in any event not be greater than 120 feet, and would be designed to both mitigate building massing along the public space but also to create a more urban environment. For other local streets, such reasonably close distance, where feasible, would likely be nearer to the street and sidewalk, perhaps as close as 20 feet. There is no designated maximum building length; however reasonably appropriate articulation of the mass and form of buildings is required to prevent such building from being unattractive from a visual perspective along such street.
- B. Private parking spaces and lots shall be located behind the building and be visually buffered from the street. Parking may be accessed by a street, driveway, alley, or lane; these accesses may be secured with an operable metal gate if the gate's overall opacity is not unreasonably opaque so as to become a visual barrier to the view from the street.
- C. Building entrances shall be clearly visible from and directly accessible from the street.
 - 1. One entrance shall be provided for each single-family detached and attached dwelling.
 - 2. At least one common entrance shall be provided for each multifamily and non-residential building unless units have individual entrances.
- D. Building entrances may open directly to the sidewalk or indirectly through a secure raised dooryard or exterior courtyard that is separated from the sidewalk by a medium height solid wall not in excess of approximately 3.5 feet tall, which wall may also include an open metal fence up to a few feet in additional height, where overall wall and fence does not exceed approximately six feet in height.
- E. Medium height solid walls not in excess of approximately 3.5 feet tall may secure space between buildings but shall be contiguous with, and not project beyond any adjacent building's front façade unless part of an exterior courtyard entrance.

M. Tier 1 General Standards

1. Use

Except as otherwise limited herein, a development plan may propose any type of residential development in Tier 1 land that is an allowed use and otherwise permissible by this LDC. The development plan shall specify the proposed residential uses.

2. All Tier 1 Land

The total number of dwelling units approved for Tier 1 land shall meet the following requirements:

- A. Density shall be determined by utilizing the portion of a Tier 1 land area that will be devoted to residential and residential accessory uses (stormwater management, open space, and similar features attributable to the residential development). These dwelling units shall be concentrated on no more than 50 percent of the Tier 1 land.
- B. The remaining 50 percent of the Tier 1 land shall be used for open space, surface water management, or held for potential future development in Tier 2 or Tier 3.
- C. Tier 1 land, once developed, may be converted to Tier 2 or Tier 3 through a subsequent amendment (see Sec. 2-501.D, Planned Development).
- D. As Tier 1 land is re-designated Tier 2 or Tier 3 through a subsequent amendment, such land then becomes available for the development of additional higher density residential units and for additional non-residential development in accordance with the provisions thereof.

3. Access Control

If the development plan for a Tier 1 residential development, as set forth in the pattern book provided with respect thereto, delineate areas where access would be controlled by fences, gates, walls, and other forms of barriers to public access of such areas, including, without limitation, public access to the streets, sidewalks, trails, paths, and other interconnection features of such areas, then the following standards shall apply:

- A. The nature and type of access control for such proposed residential development, the design of such access control features and how they will be seen from the connecting streets nearby such development, the distance of such access controlled areas from an arterial or collector road from the perspective of how the public on such roads will see and perceive the nature of such access control, and the factors underlying the need for such access control, particularly the specific need for security regarding such proposed development, will be reviewed and shall be balanced in the rezoning process by the Village against the fact that the public will either not have access to such areas, or such access will be limited, and, as a result of such denial or limitation of access, the overall goals and objectives of the comprehensive plan, this LDC, and the General Criteria of this section with respect to the Village Center Area may be adversely impacted in whole or in part by the access controls under the development plan.
- B. Such a balancing test shall additionally take into consideration the size of the access controlled area as it relates to the total amount of other Tier 1 land, the proposed uses to be put to such other Tier 1 land, the uniqueness of the design of the access control features, and the other features that have been offered in the development plan to mitigate the denial or limitation of public access to such development parcel.
- C. Such a balancing test may result in a determination, among other things, that the proposed development plan may be approved, denied, or approved with conditions, or specifically would not qualify for the maximum residential densities available under the terms of Sec. 3-707.E, Maximum Residential Density,

4. Tier 1 Land Abutting Arterial or Collector Roads

Where development tracts abut an arterial or collector road, the overall distance between access points along such arterial or collector road into and out of such development tract shall be considered as a part of the amendment of such tract in order to make certain that a reasonable number of connecting streets are provided by such development plan so that the distance between such connecting streets favors the walkability of streets and enhances connectivity.

N. Tier 2 General Standards

In addition to compliance with the Tier 1 standards set forth in Sec. 3-707.M, Tier 1 General Standards, the following additional standards apply to land within the EPD District that is designated for Tier 2 development.

1. Primarily Residential Neighborhoods.

- A. Tier 2 accommodates primarily residential neighborhoods that provide a variety of housing types in a walkable mixed-use pattern with higher densities and greater connectivity than Tier 1.

1. Tier 2 can comprise a small compact neighborhood or can be applied in increments as parts of other neighborhoods.
 2. Development plans may include non-residential uses in Tier 2, provided they are not significant in relationship to the area of Tier 2 residential uses. The combined floor area of all commercial uses (i.e. non-residential uses other than civic and cultural uses) shall not exceed two and one-half (2.5) percent of the total land area within each Tier 2 designated parcel. For example, a Tier 2 designated parcel consisting of ten acres (435,600 square feet) may be developed with up to 10,890 square feet of total non-residential floor area ($435,600 \times .025 = 10,890$). Civic and cultural uses are not limited as to floor area, but shall not occupy more than ten percent of the land area of the Tier 2 development plan. This non-residential allowance can accommodate gathering places (see Sec. 3-707.O.2, Gathering Places, which are highly desirable in Tier 2).
 3. Land used for non-residential purposes will be included in the acreage of Tier 2 land area when determining residential density.
- B. Development plans shall indicate where Tier 2 will be located on the development tract being amended to EPD District. Priority areas for Tier 2 are those that carry out the policies in the Estero Community Plan and which provide higher-intensity development in locations near the primary activity centers for neighborhoods.

2. *Variety of Housing Types*

- A. There are a variety of housing types that may be constructed in Tiers 2 and 3. These include detached houses (including cottages and side-yard houses), two-family attached dwellings, apartment houses, row houses, live-work buildings, courtyard buildings, mixed-use buildings, pedestal buildings, and towers.
- B. The Village's goal is to have a significant variety of housing types in each neighborhood. To encourage flexibility, development plans are not required to identify specific housing types at the time of an amendment to EPD District except that the location of buildings taller than 45 feet shall be identified.

3. *Public Civic Space*

- A. The provision of publicly accessible civic spaces is optional in Tier 1 and is mandatory in both Tiers 2 and 3. Civic spaces shall be strategically placed to encourage public activity. Development plans shall indicate the proposed type and location of civic spaces.
- B. Publicly accessible civic spaces may include greens, squares, plazas, neighborhood parks, playgrounds, community gardens, trails, nature preserves, etc.

O. **Tier 3 General Standards**

In addition to compliance with the Tier 1 and Tier 2 standards in Secs. 3-707.M, Tier 1 General Standards, and 3-707.N, Tier 2 General Standards, above, the following additional standards apply to land within the EPD District that is also approved for Tier 3.

1. *Greater Mix of Uses*

- A. Tier 3 accommodates mixed-use neighborhoods with similar attributes as Tier 2 but with a minimum requirement for commercial uses. Development plans shall include sufficient commercial floor area to occupy at least the first floors of all buildings that have frontage on at least one primary public gathering place pursuant to Sec. 3-707.O.2, Gathering Places. If necessary, areas designed for commercial use may be adapted and utilized for residential or residential accessory uses until such time as commercial uses become viable or all phases of the Tier 3 development have been completed and occupied, whichever is earlier. At least one-half of the building area designed for commercial use shall be able to accommodate restaurants (accommodate grease traps, etc.).
- B. Development plans shall indicate where Tier 3 will be located on the site being amended to an EPD District. Priority areas for Tier 3 are those that carry out the policies in the Estero Community Plan and which provide the primary center of public activity for neighborhoods desirable to create social vitality. Tier 3 land is often surrounded by or a central part of Tier 2 neighborhoods.

- C. Land used for non-residential purposes shall be included in the acreage of Tier 3 land area when determining residential density.
- D. There are no maximum floor area limitations for non-residential or commercial uses for Tier 3 development parcels.

2. *Gathering Places*

- A. The provision of publicly accessible gathering places is strongly encouraged in Tiers 1 and 2, and is mandatory in Tier 3.
- B. Development plans shall indicate the proposed type and location of gathering places, which shall be strategically placed to encourage activity.
- C. Gathering places allow the general public to congregate. Examples include, without limitation:
 - 1. Outdoor spaces such as parks, plazas, and farmers markets.
 - 2. Cultural venues such as cinemas, theaters, and museums.
 - 3. Civic spaces that include meeting rooms.
 - 4. Businesses such as restaurants, coffee shops, and fitness centers.
 - 5. Religious and social institutions.
 - 6. Amenities adjoining sidewalks and trails such as benches, exercise stations, and gazebos.
- D. At least one primary, publicly accessible gathering space shall be provided in Tier 3 in the form of a thoughtfully planned and designed open space that can function as a “third place” for the Village to help create social vitality in the Village Center Area. This gathering place shall be attractive, visible, and easily accessible from a connecting street and shall be clearly located and designed for the larger public benefit, not just for the benefit of the occupants of the development within which it is located. The visual edges of the space shall be at least partially enclosed by buildings with at least the ground floors designed for commercial uses such as restaurants, bakeries, cafes, fitness studios, and other businesses that promote public gathering and social vitality.

P. Tier 4 General Standards

The additional standards described above apply to Tiers 1, 2, and 3 only. Land approved for Tier 4 shall meet the standards in Sec 3-708, Compact Community Planned Development (CCPD) District.

Q. Architectural Diversity and High Quality Development

- 1. Architectural design and landscaping design are both seen as important to meet the General Criteria. With respect to mixed-use areas, the ability to combine different, but compatible, uses by unified forms of architectural and landscaping design rather than by separation of uses is required.
- 2. Architectural variety of buildings and unique approaches to design and structure are valued under these standards. The design standards set forth in the Estero Community Plan (Goal 19 of the comprehensive plan and Section 5-7, Architectural, Form, and Design Standards) require the developer to choose either a Mediterranean or Old Florida design for buildings in the Village Center Area. Each such design standard allows for a broad palette of historical choices for developers to follow in achieving unique solutions to their individual development plans.
- 3. Likewise, and of equal importance, is the compatibility of such unique building designs with surrounding properties, adjacent buildings, and the public space, so that even in their uniqueness, the development plans are encouraged to share some or more of the characteristics of their neighbors. In that fashion, new buildings will be valued if they help to generate a sense of cohesive framework in the Village Center Area.
- 4. Of similar importance to the Village is the high quality of the development plans in the Village Center Area. The goal of the Village in this area shall be to create a permanency of structures that will withstand the test and rigors of our Southwest Florida climate in ways that enhance the likelihood that such buildings and other structures will outlast their initial planned use or cost recovery. In such a way, the buildings will be able to be reused or readapted for other uses, which may become market-driven in the future. This goal enhances the value of all buildings and other structures in the Village Center Area by the ability to preserve and adapt to changing economic

and social needs for the future. This element of sustainability and high quality will be encouraged and valued with respect to all development plans in the EPD District.

5. Similar to the requirement of high quality and sustainability of a development plan, the sensitivities of such plan to the unique Southwest Florida climate, ecology, and environment in the Village is also highly valued. The ability to use materials, especially recyclables, which directly impact and reduce both the energy cost to produce such materials and the actual energy demands of the resulting building itself are to be highly valued in the Village Center Area. Building design features that reflect the unique southwest Florida climate and are designed to reduce the impacts of such climate are required to be incorporated in development plans, where feasible.
6. The overall standards for high quality development and sustainability in terms of environmental and ecological sensitivity are further advanced by the concept of incremental development in the EPD District. Through the tier system, the Village encourages a series of development plans for the larger parcels and tracts in the Village Center Area which would occur over time on a market-driven basis. This incremental development would, over time, continue to create higher values for land remaining undeveloped in such a way as to promote a variety of compatible uses in the Village Center Area based on the changing patterns of land development. The use of high quality construction allows for adaptive reuse of buildings and adds to the incremental value of development over time, benefiting both the Village and the developers.

R. Public Benefits and Incentives Offers

1. Additional Densities and Building Heights

Applicants requesting either the EPD District or the Compact Community Planned Development (CCPD) District may choose to make various incentive offers to the Village to advance the public benefits of their unique development proposals. Sec. 3-707.E, Maximum Residential Density, sets forth the maximum residential densities in each of the tiers under the EPD District. and Sec. 3-707.F, Maximum Building Height, sets forth the maximum allowable building heights in each of the tiers. These maximum residential densities and building heights include Base Densities and Base Building Heights, and also Additional Densities and Building Heights if incentive offers are accepted by the Village as providing significant public benefits.

2. Village Determination

- A. Incentive offers in connection with amendments or other applications in the EPD District are entirely voluntary on the part of applicants as a means to achieve maximum residential densities allowable under Sec. 3-707.E, Maximum Residential Density, and maximum allowable building heights under Sec. 3-707.F, Maximum Building Height, with respect to a development plan. In each case of incentive offers made to the Village, the Village Council shall determine whether or not such incentive offers:
 1. Meet or exceed the goals and objectives of the comprehensive plan;
 2. Meet or exceed the General Criteria; and
 3. Create significant public benefit commensurate with the value of such incentive offers to the Village, and the appropriateness of such incentive offers to the applicable tier and to the particular development plan. Such determination shall be set out in writing by the Village as a part of its decision to rezone property to the EPD District, or within such EPD District to a higher tier (a "determination").
- B. As a part of the making of a determination, with respect to the approval, approval with conditions, or denial of a development plan, and to the extent allowed by law, the Village may consider a request for the granting of impact fee credits, in whole or in part, for the actual cost of incentive offers which provide for significantly high value and public benefit to the Village, and where it would not be feasible for the Village to pay or develop such a high value public benefit on its own part. As part of its determination, the Village may also consider making public investments under its capital improvements budget, which may encourage additional incentive offers with higher public benefits and value to the Village. Such public investments could include public benefits like advanced street design, crossings for the railroad, off-street parking facilities, and other similar public benefits. All of such impact fee credits or public investments shall be solely and exclusively the decision of the Village.

3. *Types of Incentives*

Different types of incentive offers are described in the subsections that follow on a tier basis. The listing of a particular type of incentive offer with respect to a particular tier is not intended to require that such incentive type be limited to that tier. Instead, while incentive offers may be made with any incentives listed in any tier, the appropriateness of the incentive offer to the particular tier in question and to the particular development plan will be an important factor in a determination to be made by the Village.

4. *Value of Incentive Offers*

- A. As to each different type of incentive offer, the general value to the Village in terms of public benefit as related to other listed incentives is also enumerated as a general range of value. The overall value to the Village in terms of public benefit derived from the total of all of the incentive offers shall be weighed in making a determination with respect to the Additional Densities to be allowed with respect to a rezoning or other land use decision.
- B. The fact that an incentive offer is not listed or enumerated as a type of incentive offer that has been valued by the Village shall not be deemed to preclude consideration of other incentive offers. It is not deemed to be an exclusive list. Future incentive offers may be different variations or otherwise new types of incentives that are both appropriate and valued in terms of public benefit and shall be considered by the Village in making a determination. Finally, within the value designation of each type of incentive, there are likely to be a range of relative values, which then impact the overall value and overall public benefit differently. By way of example, an eight foot or wider multimodal path would have a significantly higher value and public benefit than a six foot wide bike path/sidewalk, even though both types of bike/hike paths are considered as having a high value overall.

5. *Tier 1 Incentive Offers*

- A. **Interconnectivity.** (High Value) In Tier 1, the level of connectivity has the highest value to the Village in terms of overall public benefit. To the extent that greater connectivity is offered in excess of the requirements with respect to Tier 1 development, the applicant would increase the likelihood of receiving a favorable determination. Likewise, in Tier 1, if the level of connectivity does not meet the requirements with respect to such tier, the determination may be adversely impacted in terms of meeting the requirements for both Base Densities and Incentive Densities. Examples of interconnectivity offers that have a very high value to the Village include provision for publicly accessible connecting streets where not required or allowed to be required, a bike/walk overpass over the railroad, bridges over the Estero River, provision of additional entrances to the Estero Community Park, solutions that increase the safety of crossing US 41, and similar solutions to needed connectivity such as achieving connections to abutting development parcels not otherwise required to connect.
- B. **Best Practices.** (High Value) Provision of elements of the guidelines and standards of this section which are designated as “best practices” or are encouraged, but not required, under such guidelines and standards, may be offered as incentives and would increase the likelihood of a favorable determination.
- C. **Preserve Additional Indigenous Vegetation** (Low-Medium Value). Protect more indigenous habitat for properties where such habitat is present.
- D. **Off-site Public Improvements** (Medium Value). Off-site improvements such as cross walks, protected bike lanes, protected intersections (e.g. Dutch intersection), landscaping of street medians, street beautification including planting strips, street hardscapes, etc.
- E. **Enhanced Site Landscaping** (Low-Medium Value). Landscaping of the development site significantly in excess of LDC requirements.
- F. **Enhanced Street Design** (Medium-High Value). Sidewalks a minimum of six feet wide on both sides of street if residential or a minimum of eight feet wide on both sides of the street if non-residential.
- G. **Public Civic Spaces** (Medium-High Value). Some level of the on-site development parcel is dedicated to public civic spaces.

6. *Tier 2 Incentive Offers*

- 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.
- B. **Gathering Places** (Medium-High Value). See Sec. 3-707.O.2, Gathering Places, for description.
- C. **River Trail Easement** (High Value). A trail along the Estero River for properties that abut the River is seen by the public as having a very high value.
- D. **Enhanced Estero River Buffer** (High Value). Incentive offers which create a wider buffer or separation of developed area from the Estero River than required are highly valued.
- E. **Site for Civic Building** (Medium Value). Donation of a building site for a civic building such as a transit station or Village Hall.
- F. **Architectural Excellence/Innovation Design** (High Value). The ability to create structures of high quality both with respect to materials and design within the limitation of the LDC requirements creates lasting high value to the Village. Enhanced designs which increase sustainability and lower ecological and environmental impacts, such as buildings which meet high LEED standards, are highly valued.

7. *Tier 3 Incentive Offers*

- 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.
- B. **Off-Street Parking** (Medium-High Value). Development plans with deviation requests for reduced on-site parking levels which are accompanied by plans for either centralized off-street parking or structured parking facilities, especially in non-residential areas, will be viewed as high value offers. Such plans may include requests for deviations to reduce the required number of on-site parking requirements under the LDC.
- C. **Construct Civic Improvements** (Low-Medium Value). Development plans which offer to construct civic improvements for the Village are ranked at a lower level than other incentive offers.
- D. **Off-Site Civic Spaces** (Low-Medium Value). Construction of civic spaces offsite are seen as a lower value than on-site civic spaces.
- E. **Cultural Spaces** (High Value). Offers to create or facilitate cultural activities in the Village Center Area are highly valued.
- F. **Historic Preservation** (High Value). Offers to enhance historic preservation of historically significant structures, especially those near the Estero River, are highly valued.

8. *Tier 4 Incentive Offers*

- 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.
- B. **Other Offers** Developers seeking Tier 4 may also choose any of the incentive offers listed for Tiers 1, 2, or 3.

S. **Uses**

- 1. In-lieu of the methods for assigning uses set forth in Sec. 3-702.F, Planned Development Districts Use Table, requests for an amendment to the EPD District and other forms of land use shall comply with the use provisions set forth in this section.
- 2. The uses allowed in Table 3-702.F: Planned Development Districts Use Table, may be permitted in the EPD district when consistent with the goals, objectives, and policies of the comprehensive plan for the Village Center Area land use category, and when approved on the enumerated documentation of the Master Concept Plan or the development plan for such property. Uses that are not specifically listed in Table 3-702.F: Planned Development Districts Use Table, may also be permitted if, in the opinion of the Village Council, they are substantially similar to a listed permitted use.

T. Framework Plan

1. *Connecting Network*

A Framework Plan is a schematic diagram for a network of interconnected streets, corridors, trails, and waterways that traverse development tracts. Constructing and maintaining this network or a substantially similar network is vital for creating a series of interconnected neighborhoods and mixed-use areas instead of isolated development projects. Appendix B: EPD District Framework Plan is the Framework Plan for the Village Center Area.

2. *Applicability*

A development plan for an EPD District and CCPD District shall demonstrate compliance with all required aspects of the Framework Plan or a substantially similar network.

Figure 3-707.T.1: Connecting Streets

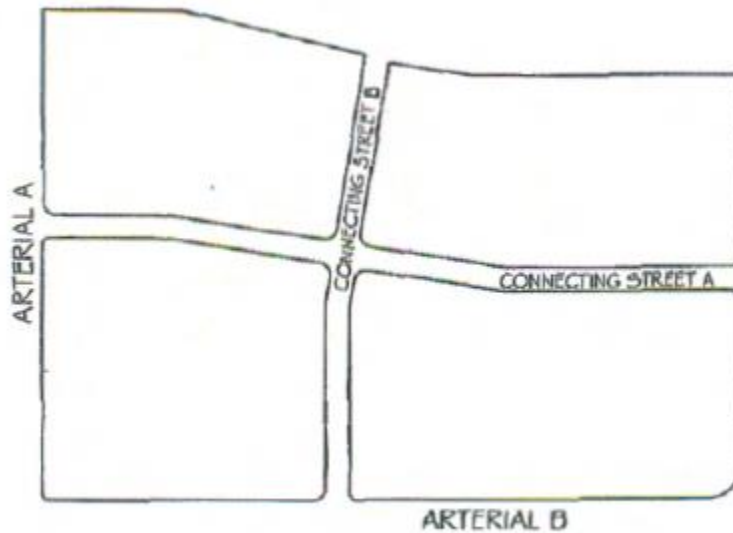
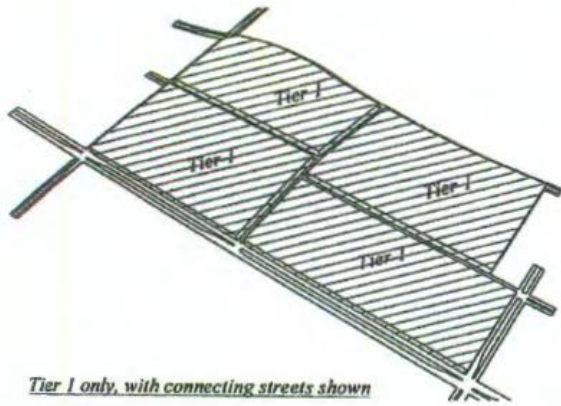
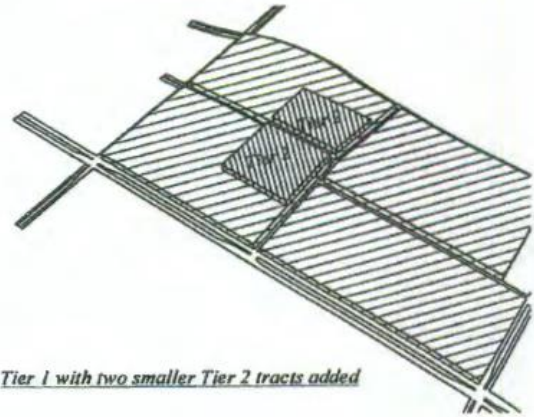


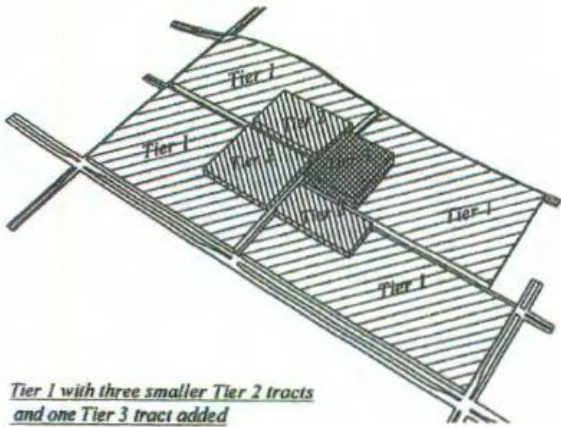
Figure 3-707.T.2: Connectivity Street Patterns



Tier 1 only, with connecting streets shown



Tier 1 with two smaller Tier 2 tracts added



Tier 1 with three smaller Tier 2 tracts and one Tier 3 tract added



Tier 2 over Tier 1 on two smaller tracts only

Figure 3-707.T.3: Cross Section of Connecting Streets



(typical sidewalk and planting strip for blocks designated as Tier 1 or 2)



Typical sidewalk and planting strip for blocks designated as Tier 2

Typical sidewalk and street tree wells for blocks designated as Tier 2 or 3

3-708. COMPACT COMMUNITY PLANNED DEVELOPMENT (CCPD) DISTRICT

Chapter 32 of the Transitional Land Development Code is incorporated here by reference.

SECTION 3-8. OVERLAY DISTRICTS

3-801. GENERAL PURPOSE OF OVERLAY DISTRICTS

The purpose and intent of the Overlay zoning districts is to provide supplemental standards with respect to special areas, land uses, or environmental features, that supersede the standards of the underlying conventional zoning district.

3-802. OVERLAY DISTRICTS

The Overlay districts in this LDC are identified in Table 3-802: Overlay Districts.

TABLE 3-802: OVERLAY DISTRICTS
Corkscrew Road Overlay
US 41 Overlay
Airport Compatibility Overlay

3-803. CORKSCREW ROAD OVERLAY DISTRICT

A. Purpose

The Corkscrew Road Overlay District is one of the Village's Main Streets. The purpose of this overlay district is to ensure development of the corridor includes architecturally appealing and attractively landscaped retail, office, residential, and institutional developments that cater to the needs of the community. Development in the district shall be designed to create people-oriented spaces along the road that are visually attractive, take into consideration human scale and proportion, and provide for pedestrian connections.

B. Applicability

Development in the district shall comply with the following development standards. If there is a conflict between these standards other standards in this LDC, these standards shall control, unless expressly stated to the contrary in this section.

C. Street-Front Activity

Development shall be designed to create public spaces to allow for activity to take place along the road front, such as sidewalks and open areas.

D. Street Corners

Development in the district shall create visually attractive road corners using distinctive building entryways in combination with landscaping or artwork. Buildings on corner lots shall be designed with a maximum setback of 25 feet from each adjacent right-of-way and shall provide pedestrian access from the road intersection. See Figure 3-803.D: Road Corners, Corkscrew Road Overlay District.

Figure 3-803.D: Road Corners, Corkscrew Road Overlay District



E. Property Development Regulations

Development in the Corkscrew Road Overlay district shall comply with Table 3-803.E: Property Development Regulations, Corkscrew Road Overlay District, which shall control. Development shall otherwise comply with the other regulations of the underlying conventional zoning district, and all other applicable requirements of this LDC.

TABLE 3-803.E: PROPERTY DEVELOPMENT REGULATIONS, CORKSCREW ROAD OVERLAY DISTRICT		
Dimensional Standards	Corkscrew Road Overlay District	
	Minimum	Maximum
Setbacks	[1]	[1]
Street [2]	0	25
Side Yard [3]	0	N/A
Rear Yard	25	N/A
Waterbody	25	N/A

NOTES;

[1] Building setbacks shall comply with the following: See Figure 5-408.G: Open Space of Public Interest):

- a. Setbacks shall be established to facilitate the creation of a uniform streetscape.
- b. Maximum right-of-way setbacks shall be zero feet to 25 feet. This must allow for buildings to front directly onto the adjacent sidewalks, while providing for slight undulation (variety) in the definition and character of the corridor. The flexibility in this setback shall also allow for the creation of small use areas (i.e. limited outdoor seating for restaurants and coffee shops, display of goods being sold, and small landscaped entrances), and enhance opportunities for activity. Automobile service stations and convenience food and beverage uses with fuel pumps may deviate from the maximum setback requirement in accordance with the landscape requirements in Section 5-4, Landscape Standards. Interior lots are permitted for development provided that there is a minimum 75-foot setback for all parking lots.
- c. A minimum of 40 percent of the building frontage is required at the setback.

[2] On a corner lot, no obstruction shall be planted or erected that materially obstructs traffic visibility within the triangular space bounded by the two intersecting right-of-way lines and a straight line connecting the two points on the street right-of-way lines 50 feet from their intersection. No structural and planting masses shall be permitted between one and one-half feet and eight feet above the average grade of each street.

[3] Developments are encouraged to provide side setbacks of five feet or less to create a continuous “street wall” of building frontage, where possible. Where side setbacks are less than five feet, there shall be evidence that the land owner will be able to maintain the exterior wall. The exterior walls of buildings shall meet fire protection standards.

3-804. US 41 OVERLAY DISTRICT

A. Purpose

The US 41 overlay district will continue to grow as a commercial and residential corridor over the next decade, providing for the regional and local shopping needs of Estero and south Lee County residents. The purpose of the US 41 overlay district is to create a corridor that is well landscaped and aesthetically pleasing while providing for a free flow of traffic through Estero and south Lee County. It is the intent of the US-41 overlay district to create a road corridor that enhances the drive through experience of traveling through Estero.

B. Applicability

The standards of this section shall apply to all development and redevelopment in the US-41 overlay district. If there is a conflict between these standards and other standards in this LDC, these standards shall control, unless expressly stated to the contrary in this section.

Airport Overlay

C. Location of Parking Lots

1. *Buildings and Shopping Centers of 7,500 Square Feet or Less*

Freestanding buildings or shopping center developments containing 7,500 gross square feet of space or less shall not provide more than 20 percent of the parking areas in the front of buildings and/ or be limited to no more than one double row of parking in the front. No more than 20 percent of the parking area shall be located to the side of the building(s), with the balance of parking located to the rear of the building(s).

2. *Buildings Exceeding 7,500 Square Feet*

For buildings exceeding 7,500 square feet, and fronting US 41, parking is encouraged to the sides or rear of the building.

3. *Screening of Parking Located Adjacent to US 41*

Where parking is located adjacent to US 41, adequate screening, consisting of a minimum Type D buffer, as specified in Section 5-4, Landscape Standards, containing a two to three foot undulating landscaped berm, without a wall, is required. (The intent is to screen parking areas but not buildings.)

3-805. AIRPORT COMPATIBILITY OVERLAY DISTRICT

The Village shall utilize the county adopted airspace notification map, as well as Division 12 Airport Compatibility District, Article VI, Chapter 34 of the Lee County Land Development Code pertaining to airport compatibility districts, zones and regulations, when reviewing temporary structures and equipment such as cranes and permanent structures that are 125 feet or more in height for compliance.

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CHAPTER 4. USE SPECIFIC STANDARDS

SECTION 4-1. GENERAL PROVISIONS

This Section 4.1 identifies the standards that apply to individual principal uses. Section 4-2, Use Specific Standards for Accessory Uses and Structures, identifies standards applicable to individual accessory uses and structures. Section 4-3, Temporary Uses and Structures, identifies uses or structures allowed on a temporary basis, sets out general standards applicable to all temporary uses and structures, and sets out special standards that apply to particular temporary uses and structures. Standards in this Chapter 4 are supplemental to the requirements in a specific zoning district in Chapter 3: Zoning Districts, and to applicable standards in Chapter 5: Site Development Standards, Chapter 6: Signage, and Chapter 7: Natural Resources.

4-101. ONE PRINCIPAL USE PER LOT

A development shall include a single principal use per lot, with one or more accessory uses that are customarily incidental and subordinate to the principal use (e.g., home occupation as accessory to a dwelling, or administrative offices as accessory to a school, retail sales, or manufacturing use).

4-102. USES FIVE ACRES OR LARGER

- A. Unless exempted in subsections B and C, below, all rezonings (zoning map amendments) that are five acres or greater in area shall only be approved and developed as a planned development district in accordance with the procedures and standards of this LDC.
- B. Village, County, or State Parks are exempt from subsection A, above.
- C. Public schools, places of worship, and religious facilities are exempt from subsection A, above. Permitting for these exempt uses is according to the use tables in Chapter 3: Zoning Districts.
- D. See also Sec. 4-112.A (all commercial development requiring a rezoning only developed as a planned development).

USE SPECIFIC STANDARDS FOR PRINCIPAL USES

4-103. AGRICULTURE

- A. The keeping, raising, or breeding of horses or other equines shall comply with the following standards:
 - 1. Lots shall comply with the standards in Table 4-103.A: Horse and Equine Lot Standards:

TABLE 4-103.A: HORSE AND EQUINE LOT STANDARDS			
Stable Type	Minimum Lot Size	Minimum Lot Width (ft)	Building Setback (ft)
Private Stables	1 acre	Large enough to accommodate appropriate setbacks	35
Boarding Stable	5 acres		100

- 2. Commercial stables are prohibited.
- 3. The keeping, raising, or breeding of goats, sheep, and swine shall comply with the following standards:
 - A. The animals shall not be kept or allowed to run within 100 feet of any residential dwelling unit under separate ownership, unless the property on which the dwelling unit is located is being used for bona fide agricultural purposes.
 - B. Any building or other roofed structure for the keeping of animals shall be set back a minimum of 300 feet from any dwelling unit under separate ownership, unless the property on which the dwelling unit is located is being used for bona fide agricultural purposes.
 - C. Keeping or raising any Vietnamese pot-bellied pigs shall be considered as agriculture and not personal pets.
- B. Dairy barns and commercial-scale poultry raising buildings are prohibited.

- C. U-pick operations shall provide sufficient off-street parking for all customers.

4-104. ANIMAL SHELTER

- A. An animal shelter shall provide service for domestic animals only.
- B. Where a facility is not completely enclosed and includes outdoor pens, cages, runs, or exercise facilities, the facility shall comply with the following standards in addition to the applicable regulations in the zoning district where it is located:
 - 1. Minimum lot area shall be two acres.
 - 2. Any pen, cage, run, or other outdoor exercise facility shall be set back a minimum of 200 feet from any abutting lot or parcel under separate ownership, or from any road right-of-way line or easement.

4-105. ASSISTED LIVING FACILITY (ALF)

- A. An assisted living facility (ALF) shall be designed to be compatible with adjacent residential development.
- B. An ALF shall not be constructed within the coastal high hazard area, unless it complies with the hurricane preparedness impact mitigation provisions in Sec. 7-505.A.5, Facilities Requiring Special Care, allowing the structure to function as a shelter.
- C. See Sec. 10-302.B, Density Equivalents, for determining equivalent density when relating this use to dwellings.

4-106. AUTOMOBILE SERVICE STATION

- A. The minimum dimensional standards for an automotive service station shall be as follows, or in accordance with dimensional standards of the zoning district in which the service station is located, whichever is more restrictive:
 - 1. Minimum lot frontage: 150 feet.
 - 2. Minimum lot depth: 150 feet.
 - 3. Minimum lot area: 25,000 square feet.
 - 4. Minimum street setbacks for arterials or collectors: 50 feet.
 - 5. Minimum side setbacks: 15 feet.
 - 6. Minimum rear setback: 20 feet.
- B. Minimum distance between service stations, convenience stores with gas, and superconvenience stores (with gas), measured from the nearest points on any lot or parcel of land to be occupied by automobile service stations, convenience stores with gas, and superconvenience stores (with gas), and any lots of existing or an approved automobile service station, convenience store with gas, or superconvenience store (with gas), shall be 500 feet, unless a deviation or variation is granted by the Village Council.
- C. Canopies shall:
 - 1. Be consistent with the architectural design and features of the principal structure.
 - 2. Be one color, or one color with an accent band in another color.
 - 3. Have a maximum clearance height of 15 feet above grade for fuel pumps, unless state or federal law requires higher clearance.
 - 4. Not be flat-roofed (flat-roofs are prohibited).

4-107. BAR

Bars shall:

- A. Be permitted only by approval of a special exception, bar special permit, or as a part of a planned development.
- B. Be permitted as a part of a restaurant that derives 50 percent or more of its revenue from food, or within the Transitional Mixed Use and Village Center land use classification of the FLUM of the comprehensive plan.

- C. Comply with the requirements of Section 4-4, Alcoholic Beverages.

4-108. BED AND BREAKFAST

A bed and breakfast shall comply with the following standards:

- A. The property owner or a member of the owner's immediate family shall live in the dwelling as a primary resident and manage the bed and breakfast.
- B. The maximum number of guest rooms is ten.
- C. The guest rooms may be within or attached to the principal dwelling or exist within or as a detached structure (e.g., above a detached garage).
- D. Guest stays shall not exceed two weeks in any one visit, and shall be rented on a per diem basis.
- E. No more than five nonresident persons may be employed on the premises.
- F. At least one additional parking space per guestroom available for rent shall be provided in addition to those required for the principal dwelling.
- G. There shall be no sign or other evidence of the bed and breakfast use except one sign not exceeding two feet by three feet in area. Such sign may be double-faced and illuminated, but not internally illuminated or back-lit.
- H. Other than the sign authorized in subsection G above, the dwelling and site shall be maintained and landscaped to eliminate outward signs of transient use, and shall be compatible with the surrounding neighborhood.
- I. See Sec. 10-302.B, Density Equivalents, for determining equivalent density when relating this use to dwellings.

4-109. BREWPUB OR MICRO-BREWERY, -WINERY, OR -DISTILLERY

A brewpub or micro-brewery, -winery, or -distillery shall comply with the following standards:

- A. The minimum area of the eating, drinking, and entertainment area of the establishment shall be no more than 65 percent of the total square footage of the establishment, or a maximum of 5,000 square feet, whichever is greater.
- B. The establishment shall have fenestration through vision glass, doors, or active outdoor spaces along a minimum of 50 percent of the length of the building side that fronts the road.
- C. Facilities for off-site distribution of beer, wine, or liquor produced on the site shall only be allowed if conducted from the rear of the building, with adequate loading and access for the activity.
- D. Crushing, fermentation, and distillation operations shall be managed such that by-products are contained and disposed of in a way that does not result in spill-over impacts on adjacent property, public spaces, or public rights-of-way.
- E. Outdoor storage is prohibited.

4-110. CEMETERIES AND MAUSOLEUMS

Cemeteries or mausoleums shall comply with the following standards:

- A. Comply with all applicable state and federal regulations regarding the licensing and operating of cemeteries and mausoleums.
- B. Be located on a site with an area of at least one acre.
- C. If a cemetery, have direct vehicular access to and from an arterial or collector road. (Any vehicular access to or from any local road shall be located and designed to inhibit its regular use.)
- D. Include adequate space for the parking and maneuvering of funeral processions.
- E. Set back buildings at least 50 feet from property lines.
- F. If a cemetery is combined with a funeral home or mortuary, the combined uses shall comply with the standards applicable to each component use.

4-111. COLLEGE OR UNIVERSITY

No college or university site shall be exposed to physical constraints, hazards, or nuisances which are detrimental to the health and safety of students and to the general operation of the college or university.

4-112. COMMERCIAL DEVELOPMENT LOCATION STANDARDS

The following different commercial uses shall comply with the following standards.

A. All Commercial Development

All commercial development requiring a rezoning (see Sec. 2-501.C, Rezoning (Zoning Map Amendment)) shall only occur through use of planned development districts.

B. Minor Commercial Development

1. Minor commercial development consists of use types that provide convenience goods and services, such as: convenience food and beverage store without gas service; drugstore; grocery store or food market; laundry services; repair shop, household; personal services group I; personal services group I; and similar uses.
2. Except as allowed in subsections 3 or 4 below, minor commercial developments shall not exceed 30,000 square feet in gross floor area, and shall be located either:
 - A. Within 330 feet of the intersection of:
 1. A local and collector road; or
 2. A local and arterial road; or
 3. A collector and collector road; or
 4. A collector and arterial road; or
 5. An arterial and arterial road; or
 - B. In a Residential Planned Development (RPD) District, if it is located and designed primarily to meet the commercial needs of the residents of the planned development.
3. A minor commercial development that is included in and complies with the regulations of a mixed-use planned development (MPD) district, the Estero planned development (EPD) district, or a compact planned development is not subject to subsection 2 above.
4. The Village Council may grant an exception approving a rezoning that does not comply with the location standards of subsection 2 above, if the development complies with Section 5-7, Architectural, Form, and Design Standards, does not promote a continuation of a strip commercial development pattern, and is otherwise consistent with the comprehensive plan.

C. Neighborhood Commercial Development

1. Neighborhood commercial development consists of use types which allow the sale of specialty goods and personal services, such as: automotive service station; retail sales; convenience food and beverage store with gas service; convenience food and beverage store without gas service; drugstore; grocery store or food market; laundry services; repair shop, household; personal services group I; personal services group II; tobacco shop; vehicle and boat rental and sales; vehicle and boat repair and maintenance; and similar uses.
2. All neighborhood commercial developments shall have a gross floor area of between 30,000 and 100,000 square feet, and be located at the intersection of an arterial and a collector road or two arterial roads so that direct access is provided to both intersecting roads (The direct access may be provided by an internal access road to either of the two intersecting roads.) "At the intersection" means no more than one quarter of a mile from the centerline of the intersection and shall include proper spacing of access points, unless excepted through the planned development rezoning process in accordance with this subsection.
3. A neighborhood commercial development approved as part of a planned development may extend beyond one quarter of a mile of the intersection, if:
 - A. Direct access from at least one of the arterial roads is provided to the development within ¼-mile of the intersection;
 - B. An internal access road or frontage road provides access to the intersecting road, prior to occupancy of the planned development;
 - C. All access points comply with the spacing standards in this LDC; and
 - D. Any retail commercial use, including any outdoor sales, does not extend beyond one-half mile of the centerline of the intersection.

4. The Village Council may grant an exception approving a rezoning for neighborhood commercial development that does not comply with the location and floor area standards of subsection 2 above, if the development complies with Section 5-7, Architectural, Form, and Design Standards, does not promote a continuation of a strip commercial development pattern, and is otherwise consistent with the comprehensive plan.

D. Community Commercial Development

1. Community commercial development consists of use types allowed in neighborhood commercial development as well as additional use types such as: cinema or theater; laundry services; performance center; repair shop, household; recreational facility, indoor; recreational facility, outdoor; tobacco shop; tattoo or body piercing establishment; and similar uses.
2. All community commercial development shall have a gross floor area of between 100,000 and 400,000 square feet, and be located at the intersection of two arterial roads so that direct access is provided to both intersecting roads (The direct access may be provided by an internal access road to either of the two intersecting roads). "At the intersection" means no more than one-quarter-of-a-mile from the centerline of the intersection and shall include proper spacing of access points, unless excepted through the planned development rezoning process in accordance with subsection 3 below.
3. A neighborhood commercial development approved as part of a planned development may extend beyond one-quarter mile of the intersection, if:
 - A. Direct access from at least one of the arterial roads is provided to the development within one quarter mile of the intersection;
 - B. An internal access road or frontage road provides access to the intersecting road, prior to occupancy of the planned development;
 - C. All access points comply with the spacing standards in this LDC; and
 - D. Any retail commercial use, including any outdoor sales, does not extend beyond one-half mile of the centerline of the intersection.
4. The Village Council may grant an exception and approving a rezoning that does not comply with the location and floor area standards of subsection 2 above, if the development complies with Section 5-7, Architectural, Form, and Design Standards, does not promote a continuation of a strip commercial development pattern, and is otherwise consistent with the comprehensive plan.

E. Regional Commercial Development

1. Regional commercial development consists of uses types involving the sale of a full range of shopping goods, as well as uses allowed in a community commercial development.
2. Except for the Coconut Point DRI, all regional commercial developments shall comply with the following:
 - A. Have a gross floor area of between 400,000 and 1,000,000 square feet, and be located to provide direct access to two arterial roads (The direct access may be provided by an internal access road to either or both of the two intersecting roads);
 - B. Except as allowed by subsection 3 below, extend no more than ¼-mile from the centerline of the intersection; and
 - C. Properly space access points along the arterial roads to ensure safe and adequate access.
3. A regional commercial development approved as part of a planned development located at the intersection of two arterials, may extend beyond ¼-mile of the intersection, if:
 - A. Direct access from at least one of the arterial roads is provided to the development within ¼-mile of the intersection;
 - B. An internal access street or frontage road provides access to the intersecting road, prior to occupancy of the planned development;
 - C. All access points comply with the spacing standards in this LDC; and
 - D. Any retail commercial use, including any outdoor sales, does not extend beyond ½-mile of the centerline of the intersection.
4. The Village Council may grant an exception approving a rezoning for regional commercial development that does not comply with the location and floor area standards of subsection 2

above if the development complies with Section 5-7, Architectural, Form, and Design Standards, does not promote a continuation of a strip commercial development pattern, and is otherwise consistent with the comprehensive plan.

4-113. COMMUNITY GARDEN

A community garden shall comply with the following standards

- A. Be a maximum of one half acre in size.
- B. In zoning districts that allow residential uses, not use or operate power tools or portable mechanical equipment outdoors before 8:00 AM and after 7:00 PM.
- C. Use fertilizer, pesticide, insecticide, herbicide, or agricultural use chemicals consistent with label instructions and be in compliance with the fertilizer ordinance.
- D. Limit accessory buildings to sheds (for the storage of tools), greenhouses, seasonal farm stands, shade pavilions, and planting preparation houses, and ensure the combined area of all accessory buildings and other structures not exceed 5,000 square feet.
- E. Ensure buildings not exceed a maximum of 15 feet in height.
- F. Ensure all buildings have an impervious floor to catch chemical runoff.
- G. Limit areas for communal composting to 10 percent of the area of the parcel.
- H. Ensure any perimeter fences, including trellises, which are allowed, comply with the standards in Section 5-5, Fence and Wall Standards.
- I. Provide trash receptacles on site.
- J. Have an established set of operating rules addressing the governance structure of the garden, hours of operation, assignment of garden plots, and maintenance and security requirements and responsibilities.
- K. Have one sign that does not exceed six square feet in area and four feet in height, indicating the name of the community garden and the contact information of the principal operator, including the operator's name and current telephone number.
- L. Flowers, vegetables, or other crops grown at a community garden may be sold on-site if a temporary use permit is approved in accordance with Sec. 2-505.C, Temporary Use Permit, prior to the sale. A maximum of eight events involving such sales may be scheduled each year. Each event shall not exceed two days. The land owner may obtain a single temporary use permit covering all events scheduled for the year. Proof of sanitary facilities shall be provided with a temporary use permit application.

4-114. CONTINUING CARE RETIREMENT COMMUNITY

A continuing care retirement community shall comply with the following standards:

- A. Age restrictions shall comply with the federal Fair Housing Act.
- B. The number of nursing care beds shall not exceed 20 percent of the total number of permitted dwelling units.
- C. The facility may include retail commercial uses as ancillary to the principal residential and healthcare uses.
- D. A minimum of 30 percent of the facility's land area shall be devoted to outdoor open space, indoor or outdoor recreation facilities, or indoor or outdoor social-oriented amenities, including community centers. Such areas shall be located so they are safely and conveniently accessible to community residents.
- E. Each outdoor area intended for active recreation shall have a minimum area of 5,000 square feet and a minimum side dimension of 50 feet.
- F. A new continuing care retirement community shall not be developed in coastal high hazard areas unless it complies with Sec. 7-505.A.5, Facilities Requiring Special Care, allowing the structure to function as a shelter.
- G. See Sec. 10-302.B, Density Equivalents, for determining equivalent density when relating this use to dwellings.

4-115. CONVENIENCE STORE WITHOUT GAS, CONVENIENCE STORE WITH GAS, AND SUPER CONVENIENCE STORE

A convenience store without gas sales, and super convenience store shall comply with the following standards:

- A. The minimum dimensional standards shall be as follows, or in accordance with the dimensional standards of the zoning district in which the establishment is located, whichever is greater:
 - 1. Minimum lot frontage: 150 feet.
 - 2. Minimum lot depth: 150 feet.
 - 3. Minimum lot area: 25,000 square feet.
 - 4. Minimum street setback for arterials or collectors: 50 feet.
 - 5. Minimum side setbacks: 15 feet.
 - 6. Minimum rear setback: 20 feet.
 - 7. Minimum distance from a residential use or zoning district: 50 feet.
- B. Canopies shall:
 - 1. Be consistent with the architectural design and features of the principal structure.
 - 2. Be one color, or one color with an accent band in another color.
 - 3. Not have flat-roofs (flat roofs are prohibited).
- C. Minimum distance between automobile service stations, convenience stores with gas, and super convenience stores (with gas) measured from the nearest points on any lot or parcel of land to be occupied by automobile service stations, convenience stores with gas, and super convenience stores (with gas), and any lots of existing or an approved automobile service station, convenience stores with gas, or super convenience stores (with gas) shall be 500 feet, unless a deviation or variation is granted by the Village Council.

4-116. DAY CARE CENTER

A. Adult day care

An adult day care facility shall comply with all relevant state and federal laws.

B. Child day care

A child day care shall comply with the following standards:

- 1. Comply with all relevant state and federal laws.
- 2. Have an outdoor play area that complies with the following:
 - A. Includes a minimum of 75 square feet per child.
 - B. Has a fence that is at least three and one-half feet in height that completely encloses the play area.
 - C. Is designed so all persons entering the play area are within direct line of sight from the child day care classroom areas.
 - D. Does not locate play equipment within the required setback.
- 3. Have parking areas and vehicular circulation patterns that comply with the following:
 - A. Be designed to enhance the safety of children as they arrive at and leave the facility.
 - B. Have a designated pickup and delivery area that is located adjacent to the child day care facility in such a way that children do not have to cross vehicular traffic to enter or exit the facility.
 - C. Have a minimum of one parking space for every 20 children cared for that is provided in addition to the requirements for all day cares in Sec. 5-204, Off-Street Parking Standards.
- 4. Not conduct outdoor play activities after 7:00 PM.

C. Family day care home

A family day care home that is exempted in accordance with Sec. 125.0109, Fla. Stat., does not require approval of a special exception.

4-117. DWELLING, LIVE-WORK

A live-work dwelling shall comply with the following standards:

- A. The residential portion of the building shall not occupy over 60 percent of the gross floor area.
- B. The nonresidential portion of the building shall comply with all applicable nonresidential building code requirements.
- C. Employees shall be limited to occupants of the residential portion of the building plus up to three persons not residing in the residential portion.
- D. Drive-through facilities are prohibited.

4-118. DWELLING, MOBILE HOME

Mobile home dwellings shall comply with the following standards:

- A. Be located on a permanent foundation and anchored, in accordance with state law and the F.A.C.
- B. Be permanently enclosed underfloor with removable skirting made of a durable material such as decorative block, concrete block, fiberglass, aluminum, or vegetation, but not junk doors or other scrap material. The skirting shall be maintained at all times by the resident.
- C. Remove all equipment related to the transportation of the mobile home dwelling.
- D. Be at least 20 feet wide.
- E. Not be located on lots smaller than five acres in the AG district.
- F. For all mobile home parks, provide an emergency shelter, which shall be a building of wood frame, metal, or CBS construction. The size of each emergency shelter shall be determined by using the total number of units and spaces multiplied by 2.4 (representing the average number of persons per household), multiplied by the shelter space requirement of 20 square feet of usable floorspace per person, and multiplied by the maximum estimated percentage of evacuating population that would use a shelter (45 percent), which would equal the total required size of the emergency shelter. In no case shall this section be interpreted to require construction of a shelter with less than 1,000 square feet of floor area. The shelter shall be elevated to a minimum height equal to or above the worst case Category 3 flooding level utilizing the National Weather Service Storm Surge Model, "SLOSH."

4-119. DWELLING, MULTIPLE-FAMILY

A. Vertical Accessibility

Any multiple-family dwelling of at least three stories shall include an elevator accessible to residents.

B. Uses Accessory to Multiple-Family Dwellings

Consumer goods establishments, convenience restaurants, drug store, personal services group I, and personal services group II are permitted as accessory uses to a multiple-family project when they are clearly subordinate to multiple-family development, if they comply with the following standards:

- 1. The accessory use shall be totally within the buildings housing the multiple-family development;
- 2. The accessory use shall occupy no more than (a maximum) of ten percent of the floor area of the multiple-family development; and
- 3. Public access to the accessory use shall not be evident from any abutting street.

4-120. FUNERAL HOMES OR MORTUARIES

Funeral homes or mortuaries with crematories are only allowed in planned developments or by special exception in accordance with Sec. 2-501.E, Special Exception.

4-121. GOLF COURSE CONVERSION

An application for conversion from a golf course to a non-golf course use or uses shall comply with the following standards.

A. General Standards

1. General

- A. A golf course not within an existing Planned Development or adjacent to an existing Planned Development shall be approved for conversion to non-golf course use only as a Planned Development pursuant to Sec. 2-501.D, Planned Development, Section 3-7, Planned Development Districts, this section, and all other applicable sections of this LDC.
- B. A golf course that is within an existing Planned Development or adjacent to an existing Planned Development shall be reviewed as a major amendment to a Planned Development pursuant to Sec. 2-501.D, Planned Development, Section 3-7, Planned Development Districts, this section, and all other applicable sections of this LDC.
- C. This section does not apply to an application for a use allowed under this code as a permitted, accessory, or special exception use for a golf course.

2. Procedure

The following processes apply in addition to the procedure for adoption or amendment of a Planned Development in Sec. 2-501.D, Planned Development.

A. Application

The application shall be made on a form provided by the Director. It shall include detailed plans and elevations, including but not limited to location and function of proposed view corridors. The applicant shall provide a statement of the goals and objectives of the conversion, which shall become part of any village resolution or ordinance approving the conversion.

B. Stakeholder Public Meeting

1. Prior to any public hearing on the application, the applicant shall conduct at least one public meeting directly with stakeholders. Stakeholders are defined as persons owning or residing in residences within 300 feet of any boundary of the golf course and members of any homeowners association that abuts the golf course.
2. The applicant shall provide notice of the meeting to Director and stakeholders at least 10 business days before the meeting.
3. The applicant shall provide stakeholders with its statement of goals and objectives of the conversion at the meeting, and facilitate a discussion regarding the statement and stakeholder concerns. The applicant shall also provide stakeholders with a conceptual plan of the proposed development, including locations and elevations of proposed uses, and locations of the preserve area, open spaces, and recreational uses. The applicant shall discuss measures it proposes to ensure compatibility with surrounding residential property.

C. Time for Public Hearings

Public hearings on the application may be held only between October 16 and May 14 to allow adequate public input.

B. Conversion Standards

1. Uses

All non-golf course uses proposed as part of the conversion of a golf course shall meet the following standards:

- A. The uses shall be compatible and complementary to the existing surrounding uses. For purposes of this section, surrounding uses shall mean uses within 300 feet of any boundary of the golf course.
- B. The uses shall have no adverse impacts on existing residential uses surrounding the golf course. The application shall include provision for view corridors that mitigate impacts to property owners of abutting residential properties.
- C. Recreation use available to the persons eligible to use the existing golf course before conversion, or to residents of abutting dwelling units, or to the general public are preferred non-golf course uses. These uses may include, for example, shared use paths, walking and

biking trails, and observation decks. Recreational uses may also include more active recreational uses as, for example, swimming pools, dog parks, tennis or pickleball courts, and playgrounds.

- D. A minimum of 50 percent open space shall be included in the master concept plan for the area to be converted. Recreational uses set forth in paragraph C above, and preserve areas provided pursuant to subsection 2 below may be counted toward open space requirements.

2. *Preserve Areas*

All PD Master Concept Plans shall include sufficient preserve areas in or abutting the existing golf course area to protect, after conversion, the converted area and abutting properties from the growth of exotic vegetation, potential fire hazard, vegetative overgrowth, and other nuisances. Lakes may not constitute more than 30 additional percent of the preserve area than exists prior to designation as the preserve area. Approval of the golf course conversion must include a condition incorporating a preserve area management plan providing for adequate maintenance of the preserve area in perpetuity by the applicant and its successors.

3. *Compatibility Review*

Review of the application for conversion shall include an analysis of the compatibility of the proposed new uses with surrounding uses. Compatibility review of the application shall include, but not be limited to, consideration of the following.

A. *Lighting*

All lighting shall be designed to reduce excessive glare, light trespass, and sky glow. At a minimum, lighting shall be directed away from neighboring properties and all light fixtures shall be full cutoff with flat lenses.

B. *Setbacks*

All non-golf course uses, except for passive recreational use and preserve areas, shall be set back a minimum average of 70 feet from lands zoned for or used as residential uses, but in no case shall be less than 50 feet at any one location.

- C. Existing canopy trees shall be preserved and maintained unless necessary to provide infrastructure improvements or if approved as part of the preserve area management plan.

- D. Any other compatibility issue raised in the review of the application or in a stakeholder public meeting required by this section.

4-122. HOSPITAL

A hospital shall comply with the following standards:

- A. Be located on at least three acres of land.
- B. Either have direct vehicular access onto an arterial road, or otherwise demonstrate adequate ingress and egress to the site in its circulation plan.
- C. Have a minimum street frontage of 200 feet.
- D. Design vehicular access, circulation systems, and exterior signage to provide safe and separate emergency vehicle access to the hospital, with minimal conflicts with other vehicular or pedestrian traffic in the area.
- E. Locate the principal structure at least 100 feet from all property lines.
- F. Not develop a new hospital in a coastal high hazard area unless it complies with Sec. 7-505.A.5, Facilities Requiring Special Care, allowing the structure to function as a shelter.
- G. If a new hospital or an addition to an existing hospital that adds 50 or more beds, be approved as a planned development or planned development amendment in accordance with Sec. 2-501.D, Planned Development.
- H. See Sec. 10-302.B, Density Equivalents, for determining equivalent density when relating this use to dwellings.

4-123. HOTEL OR MOTEL

A hotel or motel shall comply with the following standards:

- A. The minimum dimensional standards shall be as follows, or in accordance with the dimensional standards in the zoning district where the hotel or motel is located, whichever is more restrictive:
 - 1. Minimum lot frontage: 100 feet.
 - 2. Minimum lot depth: 100 feet.
 - 3. Minimum lot are: 20,000 square feet.
 - 4. Minimum side setbacks: 20 feet for buildings with a maximum height of 35 feet; in addition, one half foot shall be added to each setback for every foot above 35 feet.
 - 5. Minimum rear setback: 20 feet.
- B. See Sec. 10-302.B, Density Equivalents, for determining equivalent density when relating this use to dwellings.

4-124. MEDICAL MARIJUANA DISPENSARY

Medical marijuana dispensaries are prohibited.

4-125. NURSING HOME

A nursing home shall comply with the following standards:

- A. Have direct vehicular access onto an arterial road, or otherwise provide adequate ingress and egress to the site.
- B. Include security provisions (e.g. fencing) that restricts patients from leaving the facility without authorization.
- C. Comply with all applicable state laws regarding licensing and operation.
- D. A new facility shall not be developed in coastal high hazard areas unless it is in compliance with Sec. 7-505.A.5, Facilities Requiring Special Care, allowing the structure to function as a shelter.
- E. See Sec. 10-302.B, Density Equivalents, for determining equivalent density when relating this use to dwellings.

4-126. OUTPATIENT CARE FACILITY

An outpatient care facility shall comply with the following standards:

- A. Have direct vehicular access onto an arterial road or otherwise provide adequate ingress and egress to the site.
- B. Comply with all applicable state laws regarding licensing and operation.
- C. A new facility shall not be developed in coastal high hazard areas unless it is in compliance with Sec. 7-505.A.5, Facilities Requiring Special Care, allowing the structure to function as a shelter.

4-127. PET SERVICES

Pet services shall comply with the following standards:

- A. Provide service for domestic animals only.
- B. Where a facility is not completely enclosed and includes outdoor pens, cages, runs, or exercise facilities, shall comply with the following minimum requirements in addition to the regulations of the zoning district where it is located:
 - 1. Minimum lot area: two acres.
 - 2. Set back any pen, cage, run or other outdoor exercise facility a minimum of 200 feet from any abutting lot or parcel under separate ownership, or from any road right-of-way line or easement.

4-128. PLACES OF WORSHIP

A. When in either the AG or RSF districts, a place of worship shall comply with the following standards:

- 1. Minimum lot area: two acres.
- 2. Minimum lot width: 100 feet.
- 3. Minimum lot depth: 100 feet.

4. Minimum front setback: 25 feet.
 5. Minimum side setbacks: 20 feet for all places of worship with a maximum height of 35 feet, and an increase of one foot for every three feet of height above 35 feet.
 6. Minimum rear setback: 20 feet.
 7. Minimum water body setback: 25 feet.
 8. Maximum lot coverage: 40 percent or the standard in the conventional zoning district, whichever is more restrictive.
 9. Height limitations shall not apply to any spire or single-story (one floor) portion of a structure.
- B. When in a Commercial District (CS, UCR, or CC), a place of worship shall comply with the dimensional standards of the district in which it is located.
- C. When a child day care is included as part of a place of worship:
1. It is not required to receive approval of a special exception (see Sec. 2-501.E, Special Exception), if it is owned by the place of worship and operated within a building housing the place of worship.
 2. It shall be compatible with adjacent uses in terms of hours of operation, noise, lighting, parking, traffic impacts, and similar considerations.

4-129. RECREATION FACILITY, OUTDOOR

Aquatic centers, water slides, and similar water or aquatic uses generally included in the definition of an outdoor recreation facility are not permitted in the AG district.

4-130. RECYCLING DROP-OFF CENTER

A recycling drop-off center shall comply with the following standards:

- A. Be set back a minimum of 660 feet from any Residential district or residential development.
- B. Front on and have direct vehicular access to an existing road with sufficient capacity to accommodate the type and amount of traffic expected to be generated by the center.
- C. Confine all operations to the interior of a wholly enclosed building.
- D. Have no outdoor storage.
- E. Be kept clean and free from debris.
- F. Provide the Village the right to inspect the facility at any time for compliance with the applicable requirements of this LDC.

4-131. RELIGIOUS FACILITY

- A. A religious facility in an AG district shall comply with the following standards:
1. Minimum lot area: two acres.
 2. Minimum lot width: 100 feet.
 3. Minimum lot depth: 100 feet.
 4. Minimum front setback: 25 feet.
 5. Side setbacks: between 20 and 40 feet, and a minimum of 10 percent of the lot width; and if a structure exceeds 35 feet in height, the side setback shall be increased on each side by an additional one-half foot for every foot of height over 35 feet. Where side setbacks over 30 feet would be required, the excess over 30 feet may be added to the opposite side setback, so that combined the two opposite sides achieve two times the side setback.
 6. Minimum rear setback: 20 feet.
 7. Minimum water body setback: 25 feet.
 8. Maximum lot coverage: 40 percent, or the standard in the zoning district facility is located, whichever is more restrictive.
 9. Height limitations shall not apply to a spire or single-story (one floor) portion of a structure.
- B. When in a Commercial district (CS, UCR, or CC), the religious facility shall adhere to the dimensional standards in the zoning district in which it is located.

4-132. RESTAURANT

Any restaurant (convenience, fast casual, fast food, or standard) must have an outdoor dog dining permit in order to allow patrons' dogs in outdoor seating areas. Each approved establishment is subject to the following conditions:

- A. All food service employees must wash their hands promptly after touching, petting, or otherwise handling dogs.
- B. Employees cannot touch, pet, or otherwise handle dogs while serving food or beverages or handling tableware or before entering other parts of the establishment.
- C. Patrons must be advised to wash their hands before eating. The establishment must provide waterless hand sanitizer at each outdoor table.
- D. Dogs must not come into contact with serving dishes, utensils, tableware, linens, paper products or any other items involved in food service operations.
- E. Dogs must be kept on a leash at all times and under reasonable control.
- F. Dogs must not be allowed on chairs, tables, or other furnishings.
- G. Table and chair surfaces and any spillage must be cleaned and sanitized with an approved product between seating of patrons.
- H. Accidents involving dog waste must be cleaned immediately and the area sanitized with an approved product. Establishments are required to keep a kit containing cleaning materials in the designated outdoor area.
- I. Signage reminding employees and patrons of adopted rules must be posted.
- J. Signage that places the public on notice that the designated outdoor area is available for the use of patrons and patrons' dogs must be posted.
- K. Dogs are not permitted to travel through any indoor or non-designated outdoor portions of the establishment. Ingress and egress to the designated, permitted, area cannot require entrance into or passage through any indoor area of the establishment.
- L. Subsections A through K above do not place limits on service animals as defined in Ch. 413, Fla. Stat.

4-133. RESTAURANT, FAST CASUAL OR FAST FOOD

A fast food or fast casual restaurant shall comply with the following standards:

- A. The minimum dimensional standards shall be as follows, or in accordance with the zoning district dimensional standards in which it is located, whichever is more restrictive:
 - 1. Minimum lot frontage: 150 feet.
 - 2. Minimum lot depth: 150 feet.
 - 3. Minimum lot area: 25,000 square feet.
 - 4. Minimum street setback for arterials or collectors: 50 feet.
 - 5. Minimum side setbacks: 15 feet.
 - 6. Minimum rear setback: 20 feet.
- B. Canopies shall:
 - 1. Be consistent with the architectural design and features of the principal structure. Flat-roof canopies are prohibited.
 - 2. Be one color, or one color with an accent band in another color.
 - 3. Not be flat-roofed (flat-roofs are prohibited).

4-134. RETAIL SALES GROUP I AND II

- A. Lawn and garden supplies as a part of a consumer goods and services use shall be set back at least 25 feet from all road rights-of-way or easements.
- B. Sale of fertilizer or compost as a part of a consumer goods and services use shall be limited to quantities for immediate use and kept at least 100 feet from any residential use.

4-135. SCHOOLS, ELEMENTARY, MIDDLE, OR HIGH

An elementary, middle, or high school shall comply with the following standards:

- A. If an elementary school, have direct access to a local or collector road.
- B. If a middle or high school, have direct access to a collector or arterial road.
- C. Not be exposed to physical constraints, hazards, or nuisances which are detrimental to the health and safety of students, and to the general operation of the school.

4-136. SELF STORAGE

A self-storage facility shall comply with the following standards:

- A. Be set back a minimum of 660 feet from the edge of any Residential district or residential development.
- B. If separate buildings are constructed, be separated by a minimum of ten feet between buildings.
- C. Only allow the following commercial uses on-site: the rental of storage bays and the pickup and deposit of goods or property in dead storage.
- D. Not use or allow the use of storage bays to manufacture, fabricate, or process goods, to service or repair vehicles, small engines, or electrical equipment, or conduct similar repair activities, to conduct garage sales or retail sales of any kind, or to conduct any other commercial or industrial activity on the site.
- E. Not allow private postal boxes for the purpose of assigning a legal address.
- F. Not have more than one security or caretaker quarters on the site, and if located on-site, ensure the security or caretaker quarters are integrated into the building's design.
- G. Except as otherwise authorized in this subsection, ensure all property stored on the site is enclosed entirely within enclosed buildings.
- H. If abutting a Residential district or existing residential development, limit hours of public access to between 6:00 A.M. and 10:00 P.M., or between other times set in an individual planned development.
- I. Where the establishment provides drive-up access to storage, ensure:
 - 1. Interior parking is provided in the form of aiseways adjacent to the storage bays. Aiseways shall be used both for circulation and temporary customer parking while using storage bays. The minimum width of aiseways shall be 21 feet if only one-way traffic is permitted, and 30 feet if two-way traffic is permitted.
 - 2. The one- or two-way traffic flow patterns in aiseways is clearly marked. Markings shall consist, at a minimum, of standard directional signage and painted lane markings with arrows.
 - 3. Appropriate access and circulation by vehicles and emergency equipment is achieved through the design of internal turning radii of aiseways.
 - 4. All access ways are paved with asphalt, concrete, or comparable paving materials.
- J. Ensure garage doors serving individual storage units are perpendicular to a public or private road so as to not be visible from adjacent roads.
- K. Ensure windows not exceed 30 percent of any road-facing façade and are not reflective.
- L. Use a maximum of two colors (excluding roof colors) on wall façades visible from off-site areas. Colors shall be neutral and not be used to call attention to the establishment.
- M. Not include metal as a primary material on perimeter or exterior walls visible from an arterial road or residential development.
- N. Not allow open storage of recreational vehicles, travel trailers, and dry storage of pleasure boats of the type customarily maintained by persons for their personal use.
- O. Only use neutral colors (not bright colors) on exterior doors and doors visible through transparent façade elements.

4-137. STORAGE, OUTDOOR

Any outdoor storage use shall not be larger than one acre in size.

4-138. SEXUALLY ORIENTED BUSINESSES

Sexually oriented businesses, as defined Ch.22, Art. XIII, the Lee County Code of Ordinances, also known as the “Lee County Sexually Oriented Businesses Regulation Ordinance.”

A. Purpose

The purpose of this standard is to provide reasonable regulations to alleviate the adverse effect of sexually oriented businesses on adjacent and nearby uses of land.

B. Prohibited Locations

No sexually oriented business shall be located closer than 1,000 feet, measured on a straight line, from:

1. The closest wall of any building containing a similar use;
 2. Any district which allows residential uses; or
 3. Any hotel, motel, restaurant, school (noncommercial), day care center (child), park, playground, place of worship, religious facility, public recreation facility, cultural center, or hospital.
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4-139. UTILITY, MAJOR

A. A major utility is not required to comply with the minimum lot area standards for the zoning district in which it is located, if it complies with all other dimensional and intensity standards.

B. Major utilities shall be set back at least 100 feet from any private property line.

4-140. UTILITY, MINOR

A minor utility is not required to comply with the minimum lot area standards for the zoning district in which it is located, if it complies with all other dimensional and intensity standards.

4-141. VEHICLE AND BOAT RENTAL AND SALES

Vehicle and boat rental and sales establishments shall comply with the following standards:

- A. There shall be no more than one vehicle display pad for every 100 feet of road frontage. A vehicle display pad shall not exceed 5,000 square feet in area and may be elevated up to two feet above adjacent displays or ground level.
 - B. No vehicles or other similar items shall be displayed on the top of a building.
 - C. No materials for sale or rent other than vehicles shall be displayed between the principal structure and the adjoining road.
 - D. Vehicle storage space shall not exceed one acre.
 - E. The storage or junking of wrecked motor vehicles (whether capable of movement or not) is prohibited.
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4-142. VEHICLE AND BOAT REPAIR AND MAINTENANCE

Vehicle and boat repair and maintenance establishments shall comply with the following standards:

- A. Be located at least 200 feet from any Residential district, residential development, school, or child day care center.
 - B. Conduct all sales and installation operations in a wholly enclosed building with no outdoor storage.
 - C. Complete service activity on any motor vehicle within a seven day period, and not store any vehicle on the property for longer than this period of time.
 - D. Not store, demolish, or junk any motor vehicles (whether capable of movement or not) on-site.
 - E. Not park or store as a vehicle on site as a source of parts or for the purpose of sale or lease/rent.
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4-143. WIRELESS TELECOMMUNICATIONS

A. Exempt from additional wireless telecommunications use specific standards

The following is exempt from these wireless telecommunications standards:

1. Maintenance of existing wireless communications facilities that do not include the placement or replacement of a wireless communications facility.

2. Replacement or modification of antennas, ancillary appurtenances, or equipment enclosures with facilities of the same design, or narrower profile, the same size, or smaller, or otherwise not discernibly different in appearance, when viewed from ground level from surrounding properties, as the facilities being replaced;
3. Wireless communications facilities erected upon the declaration of a state of emergency by a federal, state, or local government, if the Village Manager makes a determination of public necessity for the facility. (Wireless communications facilities exempt under this subsection shall be removed within 90 days of the termination of the state of emergency.)
4. Collocation of antennas on existing antenna-supporting structures that:
 - A. Do not increase the height of the existing structure, as measured to the highest point of any part of the structure or any existing antenna attached to the structure;
 - B. Do not increase the approved ground wireless communication facility site; and
 - C. Are of a design and configuration consistent with all of the applicable design and aesthetic regulations, restrictions or conditions, if any, applied to the first antenna placed on the structure or applied to the structure itself.

B. Permissible locations

Broadcast antenna-supporting structures in excess of 250 feet within the AG district require approval of a variance (see Sec. 2-506.A, Zoning Variance).

C. Collocations

1. Collocations on an antenna-supporting structure shall comply with the following standards:
 - A. Expansion of the wireless communications facility site area shall comply with the applicable height and setback requirements for principal structures in the zoning district in which it is located.
 - B. The portion of the collocation that does meet the requirements for exemption set forth in subsection A above, is exempt from the variance requirement, and subject to building permit review.
2. Collocations on an antenna-supporting structure shall comply with the following design restrictions:
 - A. The collocation shall not increase the height of the existing structure, as measured to the highest point of any part of the structure, or any existing antenna attached to the structure;
 - B. The collocation shall not increase the approved ground wireless communication compound area, if any; and
 - C. All aspects of the collocation shall be of a design and configuration consistent with the requirements of Sec. 4-143.F, Visual Impacts Minimized, below, and the applicable design and aesthetic regulations, and restrictions of conditions, if any, applied to the first antenna placement on the structure that does not conflict with the requirements of Sec. 4-143.F, Visual Impacts Minimized, below. Regulations, restrictions, conditions, or permits applied to the first antenna placement or the structure that limit the number of collocations or require review processes inconsistent with this subsection shall not apply.
3. Collocations on structures that will not meet all of the design restrictions of subsection 2 above shall be reviewed as follows:
 - A. The portion of the collocation that complies with the design restrictions of subsection 2 above will be reviewed and decided by the Director.
 - B. If the collocation involves only the expansion of the wireless communications facility site area, the expansion shall comply with the applicable height and setback requirements for principal structures in the zoning district in which it is located, and the setback and height requirements below.

D. Permissible Antenna-Supporting Structures

Table 4-143.D: Permissible Antenna-Supporting Structure Heights, Locations, and Applicable Review Process, identifies maximum allowed heights of antenna supporting structures in the corresponding zoning classifications using the corresponding review processes identified in Table 4-143.D.

TABLE 4-143.D PERMISSIBLE ANTENNA-SUPPORTING STRUCTURE HEIGHTS, LOCATIONS, AND APPLICABLE REVIEW PROCESS		
Zoning Classification	Requiring Approval by Special Exception	Approval by Planned Development
Agriculture (AG) District	Up to 149 feet	149 feet and higher
Residential Single-Family (RSF) District	Up to 75 feet	75 feet and higher
All Other Zoning Districts	Up to 149 feet	149 feet and higher

E. District Impacts Minimized

1. Generally

Antenna-supporting structures shall be located in a manner that is consistent with the Village’s interest in land use compatibility, within and between zoning districts.

2. Siting Priorities

In order to justify the construction of an antenna-supporting structure, the applicant shall demonstrate that higher ranking alternatives identified below in order of higher rank to lower rank, do not constitute reasonable, compatible, or feasible alternatives. Such demonstration shall include a statement of position, qualifications, and experience by a qualified radio frequency engineer.

- A. Collocated or combined antennas.
- B. Surface-mounted antennas.
- C. Roof-mounted antennas.

3. Proliferation Minimized

- A. No antenna-supporting structure shall be permitted unless the applicant demonstrates that the proposed antenna cannot be accommodated on an existing building, structure, or antenna supporting structure.
- B. Documentation of the following may be submitted to demonstrate compliance with subsection A above:
 - 1. That no existing buildings or structures within the geographic search area meets the applicant’s radio frequency engineering requirements;
 - 2. That no building or structure within the geographic search area has sufficient structural strength to support the applicant’s radio frequency engineering requirements; or
 - 3. That there are other radio frequency engineering factors that render surface-mounted, roof-mounted, or collocated wireless communication facilities unfeasible.

4. Zoning Districts Prioritized

In order to justify locating a proposed antenna-supporting structure within a zoning district lower in the hierarchy below, the applicant shall adequately demonstrate that siting alternatives within higher ranked districts, identified below in order of higher rank to lower rank, are not reasonable or feasible. This demonstration shall include the submission of a statement of position, qualifications, and experience by a qualified radio frequency engineer.

- A. Industrial;
- B. Commercial;
- C. Agricultural;
- D. Recreational Vehicle;
- E. Residential (including Mobile Home);
- F. Community Facilities;
- G. Environmentally Critical.

F. Visual Impacts Minimized

1. *Generally*

Antennas shall be configured in a manner that is consistent with the character of the surrounding neighborhood and development, and shall be of a color that blends with the structure to which it is attached, so that adverse visual impacts on adjacent properties are minimized. Antenna concealment screening shall also be used, when possible.

2. *Monopole Design Required*

Unless approved as either a roof-mounted or surface-mounted facility, all antenna support structures shall be a monopole, with all transmission cable/wiring concealed inside.

3. *Antenna Type Priorities*

In order to justify the use of an antenna-type lower in the hierarchy as outlined below in this subsection, the applicant shall adequately demonstrate that higher ranked alternatives identified below in order of higher rank to lower rank, are not reasonable or feasible. This demonstration shall include the submission of a statement of position, qualifications, and experience by a qualified radio frequency engineer:

- A. Flush-mounted;
- B. Panel;
- C. Whip;
- D. Dish.

4. *Camouflage, Screening, Taping, and Placement*

A. *Color*

Antenna-supporting structures and ancillary appurtenances, including transmission lines, shall maintain a galvanized gray finish or other contextual or compatible color as determined by the Director, except as otherwise required by the FAA or FCC.

B. *Fencing*

The developer of a wireless communication facility shall install a fence or wall not less than eight feet and not more than ten feet in height from finished grade, to enclose the base of the antenna-supporting structure and equipment enclosures associated with any wireless communication facility. Access to the antenna-supporting structure shall be controlled by a locked gate. The fence shall be constructed in accordance with Section 5-5, Fence and Wall Standards. Not more than three strands of barbed wire, spaced six inches apart, may be allowed above the fence.

C. *Landscaping*

- 1. A landscaped buffer of at least ten feet in width shall be planted along the entire exterior perimeter of the required fence or wall. Where the proposed antenna-supporting structure will be located adjacent to a residential or public recreational use, or a lot in the RSF or RPD districts, or any residential lot in any other district, the landscaped buffer shall be at least 15 feet in width.
- 2. A buffer required by this section shall contain sabal palms planted ten feet on center, and a double hedge row of native shrubs. The development shall also comply with the requirements of Section 5-4, Landscape Standards. The hedge shall be maintained at a minimum height equivalent to the fence height. Notwithstanding the above planting requirements, where the proposed antenna-supporting structure will be located adjacent to a residential lot, public recreational use, or right-of-way, the landscaped buffer shall include six feet in height native canopy trees planted ten feet on center, instead of the sabal palms.
- 3. Where these regulations would require existing facilities to meet current landscape requirements, the Director may reduce or eliminate such requirements if the Director determines that the requirements would be unreasonable, or infeasible, or would otherwise be inequitable under the circumstances. The Director's decision is discretionary and may not be appealed. (Applicants may apply for a variance from the landscaping requirements, see Sec. 2-506.A, Zoning Variance).

D. Other Facilities

1. Roof-mounted facilities shall be camouflaged by a parapet or other device, or otherwise situated so as to screen its visual impact along each sight line.
2. Transmission lines placed on the exterior of a building shall be camouflaged or otherwise shielded within an appropriate material that is the same color as, or a color consistent with, the building to which they are attached.
3. Surface-mounted antennas shall be placed no less than 15 feet from the ground and, where proposed for placement on a building, shall be camouflaged or otherwise shielded within an appropriate material that is the same color as, or a color consistent with, the building to which they are attached.

E. Taping

The developer of a wireless communication facility shall install taping around the antenna-supporting structure in conformance with the following:

1. The tape shall be six-inch 3m Diamond Grade(tm) VIP Reflective Sheeting, series 3990.
2. The taping shall start at 20 feet above surface.
3. The taping shall be at ten-foot intervals.
4. The tape shall be wrapped around the support pole and overlap by one inch for a good seal.

G. Setback Development Regulations

1. New Facilities

All new antenna-supporting structures shall meet the setback requirements for the zoning district in which they are proposed to be located, or be a distance equal to their overall height from all lot lines of the property on which they are proposed, whichever is greater. A monopole with internal antennas shall be setback a distance equal to one-half of its overall height from all lot lines of the property on which it is proposed, unless a greater distance is required as a condition of the approval or a variance is granted.

2. Replacement Facilities

No replacement facility within the approved compound area shall be placed closer to a lot line than the wireless communication facility it is replacing.

3. Ancillary Appurtenances

Ancillary appurtenances, and equipment enclosures shall meet the minimum setback requirements for the zoning district in which they are proposed, as well as those set forth in Sec. 10-304.B, Allowable Modifications of Required Setbacks.

H. Height

1. Roof-mounted antennas, attachment devices, equipment enclosures, or ancillary appurtenances may be placed on commercial, institutional, light industrial, and multi-family buildings at least 35 feet in height and shall not extend more than 20 feet above the roofline of the building on which they are attached.
2. Collocations shall not increase the existing overall height of an antenna-supporting structure.
3. In all other cases, the overall height of an antenna-supporting structure shall not exceed 149 feet, except as provided below:
 - A. FCC-approved AM broadcast antenna-supporting structures shall not exceed 250 feet in overall height.
 - B. All other FCC-approved broadcast antenna-supporting structures shall not exceed 500 feet.
4. The overall height of ground-mounted equipment or equipment enclosure shall not exceed 12 feet.
5. Antenna-supporting structures proposed within a designated notification height boundary of a private aircraft or helicopter landing facility, as specified on the Airspace Notification Map, will be limited to the height specified by that boundary, according to the proposed facility's distance from the runway or landing facility.

I. Construction

1. *Type of Construction*

Broadcast facilities may utilize lattice or guyed antenna-supporting structures. All other wireless facilities are limited to monopole antenna-supporting structures.

2. *Accommodation of Future Collocations*

- A. Antenna-supporting structures shall be designed to accommodate future collocations.
- B. The applicant shall submit a shared use plan that commits the owner of the proposed antenna-supporting structure to accommodating future collocations where reasonable and feasible in light of these standards.

3. *Lighting*

- A. Except for security lighting and site lighting, other types of lights, signals or illumination will only be permitted on an antenna-supporting structure or ancillary appurtenances where lighting is required by the FAA, FCC, the Village, or the Lee County Mosquito Control District.
- B. Security lighting and site lighting may be placed in association with an approved equipment enclosure. Site lighting shall remain unlit except when authorized personnel are present at the facility. Security lighting and site lighting shall be shielded to prevent light trespass.
- C. All antenna-supporting structures 150 feet or greater in height above ground level shall be artificially lighted and maintained in accordance with the technical requirements of the FAA's current Advisory Circular 70/7460-1K, Obstruction Marking and Lighting, as amended, or other appropriate aviation authority. Unless pre-empted by FAA or FCC regulations, all lighting shall be approved in conjunction with the development order for the facility.
- D. If the height of a structure under construction equals or exceeds the height at which permanent obstruction lights are required by the FAA or FCC, temporary high or medium intensity flashing lights shall be installed at that level in accordance with Advisory Circular 70/7460-1K, Obstruction Marking and Lighting, as amended.

4. *Notice of Commencement of Construction*

- A. Forty-eight (48) hours before commencing construction of an antenna-supporting structure, and within 48 hours after the antenna-supporting structure construction reaches its maximum height, the Village of Estero, the Lee County Port Authority, the Sheriff's office, Emergency Medical Services, the local fire district, and the Lee County Mosquito Control District shall be notified by the entity constructing the antenna-supporting structure. Notice shall include the location of the antenna-supporting structure tied to the state plane coordinate system for the Florida West Zone (North American Datum of 1983/1990 Adjustment).
- B. A permit will not be issued if the proposed construction or alteration is found to violate the provisions of this LDC, or any other applicable Federal or State rules or regulations.

5. *Floor Area*

Floor area shall not exceed 400 square feet per antenna array without approval of a special exception (see Sec. 2-501.E, Special Exception). Floor area shall be calculated based on the total impervious surface associated with an equipment enclosure.

J. Signage

- 1. Signs on antenna-supporting structures, ancillary appurtenances, equipment enclosures, or on any fence or wall are prohibited unless permitted in accordance with this subsection.
- 2. If high voltage is necessary for the operation of proposed wireless communications facilities, "High Voltage-Danger" and "No Trespass" warning signs not greater than one square foot in area shall be permanently attached to the fence or wall at intervals of not less than 40 feet and upon the access gate, or as otherwise required by the FAA or FCC.
- 3. A sign not greater than one square foot in area shall be attached to the access gate that includes the following information:
 - A. Federal registration number, if applicable;
 - B. Name of property owner, facility owner, providers, and contact person; and
 - C. An emergency contact number for the contact person.

K. Wireless Facilities in Public Rights-of-Way

1. Intent and Purpose

- A. The intent and purpose of this subsection K is to:
 - 1. Promote the public health, safety, and welfare by providing for the placement and maintenance of communications facilities in the public rights-of-way within the Village;
 - 2. Adopting and administer reasonable rules and regulations not inconsistent with state and federal law, including, but not limited to, Sec. 337.401, Fla. Stat., the Federal Communications Act of 1934, as amended, and other state and federal laws
 - 3. Establish reasonable rules and regulations necessary to manage the placement or maintenance of communications facilities in public rights-of-way by communications services providers; and
 - 4. Minimize disruption to the public rights-of-way.
- B. In regulating the Village right-of-way, the Village shall be governed by and shall comply with all applicable federal and state laws.

2. Registration for Placing or Maintaining Small Wireless Facilities in Public Rights-of-Way

- A. A communications services provider, communications facility provider, or pass-through provider that desires to place or maintain a communications facility in public rights-of-way in the Village shall first register with the Village in accordance with this subsection K. This subsection K provides no right of access to the public rights-of-way for persons other than communications services providers, or businesses other than those providing communications services. Other uses of the public rights-of-way reasonably related to the provision of communications services may be allowed in the reasonable discretion of the Village.
- B. A registration shall not convey any title, equitable or legal, to the registrant in the public rights-of-way. Registration governs only the placement or maintenance of communications facilities in public rights-of-way. Other ordinances, codes, or regulations may apply to the placement or maintenance of communications facilities other than those located in public rights-of-way. Registration does not excuse a registrant from obtaining appropriate access or pole attachment agreements before locating its facilities on the Village's or another person's or business's facilities. Registration does not excuse a registrant from complying with all applicable Village ordinances, codes, or regulations, including this subsection K.
- C. Each communications services provider, communications facility provider, or pass-through provider that desires to place or maintain a communications facility, including without limitation, a collocation, in public rights-of-way in the Village, shall file an application for a single registration with the Village which shall include the following information:
 - 1. Name of the registrant;
 - 2. Name, address, and telephone number of the registrant's primary contact person and the person to contact in case of an emergency;
 - 3. Evidence of the insurance coverage required under this subsection K and acknowledgement that the registrant has received and reviewed a copy of this subsection K, which acknowledgment shall not be deemed an agreement; and
 - 4. The number of the registrant's certificate of authorization or license to provide communications services issued by the Florida Public Service Commission or the FCC. A registrant proposing to place or maintain a wireless communications facility operating on a spectrum licensed by the FCC shall supply the file number of the FCC license authorizing such wireless service.
- D. The Village shall review the information submitted by the applicant. Such review shall be by the Director. If the applicant submits information in accordance with subsection C above, the registration shall be effective and the Village shall notify the applicant of the effectiveness of the registration in writing. If the Village determines that the information has not been submitted in accordance with subsection C above, the Village shall notify the applicant, in writing, of the non-effectiveness of registration and reasons for the non-effectiveness. The Village shall respond to an application for registration within 30 days after receipt of registration information. Non-effectiveness of registration shall not preclude an applicant from

- filing subsequent applications for registration under the provision of this subsection K. An applicant has 30 days after receipt of the notice of non-effectiveness of registration to file an administrative appeal as provided in subsection 8 below.
- E. A registrant may cancel a registration upon written notice to the Village stating that it will no longer place or maintain any communications facilities in public rights-of-way within the Village and will no longer need to obtain permits to perform work in public rights-of-way. A registrant cannot cancel a registration if the registrant continues to place or maintain any communications facilities in public rights-of-way.
 - F. Registration does not in and of itself establish a right to place or maintain, or the priority for the placement or maintenance of a communications facility in public rights-of-way within the Village but shall provide the registrant with the right to apply for a permit. Registrations are expressly subject to any future amendment to or replacement of this subsection K and are further subject to any additional Village ordinances, as well as any state or federal laws that may be enacted.
 - G. A registrant shall renew its registration with the Village every five years. Within 30 days of any change in the information required to be submitted pursuant to subsection C above, a registrant shall provide updated information to the Village. If no information in the then-existing registration has changed, the renewal may state that no information has changed. Failure to renew a registration may result in the Village restricting the issuance of additional permits until the communications services provider has complied with the registration requirements of this subsection K.
 - H. An effective registration shall be a condition of obtaining a permit for the placement of communications facilities or utility poles that support small wireless facilities within public rights-of-way in accordance with subsection 4 below.
- 3. *Notice of Transfer, Sale, or Assignment of Assets in Public Right-of-Way***
- A. If a registrant transfers, sells, or assigns its assets located in public rights-of-way incident to a transfer, sale, or assignment of the registrant's assets, the transferee, buyer, or assignee shall be obligated to comply with the registration requirements of subsection C above. Written notice of any such transfer, sale, or assignment shall be provided by such registrant to the Village within 20 days after the effective date of the transfer, sale, or assignment. If the transferee, buyer, or assignee is a current registrant, then the transferee, buyer, or assignee is not required to re-register. If the transferee, buyer, or assignee is not a current registrant, then the transferee, buyer, or assignee shall register as provided in subsection 2 above within 60 days of the transfer, sale, or assignment. If permit applications are pending in the registrant's name, the transferee, buyer, or assignee shall notify the Village that the transferee, buyer, or assignee is the new applicant after the requirements of subsection C above have been satisfied.
 - B. The Village does not have the right to approve or deny registrants' asset transfers or assignments to communications services providers operating at least one communications facility within the Village, and the failure to comply with this subsection 3 does not void any such asset transfer or assignment. The Village reserves the right to exclude persons or entities other than communications services providers or pass-through providers from its rights-of-way. Transfers or assignments of a communications facility to persons or entities other than a communications services provider or pass-through provider who will operate at least one communications facility within the Village requires compliance with this section to insure continued use of the public rights-of-way.
- 4. *Permit Application***
- A. A permit shall be required for the placement or replacement of any communications facilities, including collocations, within the public rights-of-way, and for the placement or replacement of utility poles that support small wireless facilities within the public rights-of-way, except as provided in subsection B below. An applicant seeking to collocate small wireless facilities may, at the applicant's discretion, file a consolidated application and receive a single permit for the collocation of up to 30 small wireless facilities.
 - B. A permit shall not be required for the following:

1. The maintenance, repair, replacement, extension, or upgrade of existing aerial wireline communications facilities on utility poles or for aerial wireline facilities between existing wireline communications facility attachments on utility poles by a communications services provider.
 2. Routine maintenance or repair work, including, but not limited to extensions of such facilities from the public right-of-way into private property for providing communications services to an identifiable customer or group of customers.
 3. Replacement of existing wireless facilities with wireless facilities that are substantially similar or of the same or smaller size.
 4. Installation, placement, maintenance, or replacement of micro wireless facilities that are suspended on cables strung between existing utility poles in compliance with applicable codes by or for a communications services provider authorized to occupy the public rights-of-way.
- C. Notwithstanding subsection B above, a permit shall be required for work that involves excavation, closure of a sidewalk, or closure of a vehicular lane or parking lane, unless the provider is performing emergency service restoration on an existing facility and the work is done in compliance with the 2017 edition of the FDOT Utility Accommodation Manual, in which case an after-the-fact permit must be obtained if a permit would have originally been required to perform the work undertaken in public rights-of-way due to the emergency. The term “emergency” means a condition that affects the public’s health, safety, or welfare, which includes an unplanned out-of-service condition of a pre-existing facility.
- D. The installation of a utility pole in the public rights-of-way that is not used to support a small wireless facility is not governed by this subsection K, and shall remain subject to the general rules and regulations governing the placement of structures in the public rights-of-way.
- E. A permit application shall include the following:
1. The location of the proposed communications facility or utility pole, including a description of the facilities to be installed, where the facilities are to be located, and the approximate size of the facilities that will be located in public rights-of-way;
 2. A description of the manner in which the proposed communications facility or utility pole will be installed (i.e., anticipated construction methods or techniques);
 3. If applicable, a statement indicating whether the proposed communications facility will permit collocation;
 4. A maintenance of traffic plan for any disruption of the public rights-of-way, in accordance with standards promulgated by FDOT;
 5. Information that identifies all at-grade or aerial structures including, but not limited to, light poles, power poles, equipment boxes, and antennae existing in the public rights-of-way in the Village within a 50-foot radius of the proposed facility;
 6. A timetable for construction of the project or each phase thereof, and the areas of the Village that will be affected;
 7. Whether all or any portion of the proposed communications facility or utility pole will be rented, hired, leased, sublet, or licensed from or to any third party and, if so, the identity, and contact information of the third party;
 8. If appropriate, given the communications facility or utility pole proposed, a certified estimate of the cost of restoration for the public rights-of-way, subject to approval by the Village; and
 9. Such additional information as the Village finds reasonably necessary, with respect to the placement or maintenance of the communications facility or utility pole that is the subject of the permit application, to review such permit application.
5. *Standards for Placement or Maintenance of a Communications Facility or Utility Pole in Public Rights-of-Way*
- A. A registrant shall at all times comply with and abide by all applicable provisions of state and federal law and Village ordinances, codes, and regulations in placing or maintaining a communications facility or utility pole in public rights-of-way.

- B. Communications facilities providers and pass-through providers understand and acknowledge that the Village strongly favors strengthening utility infrastructure, in particular as it relates to flooding and hurricane-related events. Subject to any applicable regulatory approval, communications facility providers and pass-through providers shall adopt and implement an infrastructure hardening plan for any facilities located within the Village.
- C. To the extent not otherwise prohibited by state or federal law, the Village shall have the power to prohibit or limit the placement of new or additional wireless support structures within a particular area of public rights-of-way.
- D. All communications facilities and utility poles shall be placed or maintained so as not to unreasonably interfere with the use of the public rights-of-way by the public and with the rights and convenience of property owners who adjoin any of the public rights-of-way. The use of trenchless technology (i.e., directional bore method) for the installation of facilities in the public rights-of-way, as well as joint trenching or the collocation of facilities in existing conduit, is required. The Village may promulgate reasonable rules and regulations concerning the placement or maintenance of a communications facility in public rights-of-way consistent with this subsection K and other applicable law.
- E. All safety practices required by applicable law or accepted industry practices and standards shall be used during the placement or maintenance of communications facilities and utility poles.
- F. The registrant shall notify the Village prior to commencement of construction in the right-of-way and upon completion of the work.
- G. After the completion of any placement or maintenance of a communications facility or utility pole in public rights-of-way, or each phase thereof, a registrant shall, at its own expense, restore the public rights-of-way to their original condition before such work. If the registrant fails to make such restoration within 30 days, or such longer period of time as may be reasonably required under the circumstances, following the completion of such placement or maintenance, the Village may perform restoration and charge the costs of the restoration against the registrant in accordance with Sec. 337.402, Fla. Stat. For 12 months following the original completion of the work, the registrant shall guarantee its restoration work and shall correct, at its own expense, any restoration work that does not satisfy the requirements of this subsection K.
- H. Removal or relocation, at the direction of the Village, of a registrant's communications facility or utility pole in public rights-of-way shall be governed by the provisions of Secs. 337.403 and 337.404, Fla Stat.
- I. A permit from the Village constitutes authorization to undertake only certain activities in public rights-of-way in accordance with this subsection K, and does not create a property right or grant authority to impinge upon the rights of others who may have an interest in the public rights-of-way.
- J. A registrant shall maintain its communications facilities and utility poles in public rights-of-way in a manner consistent with accepted industry practice and applicable law.
- K. For installations involving excavation in the public rights-of-way, a registrant shall, where applicable, comply with Ch. 566, Fla. Stat., the Underground Facility Damage Prevention and Safety Act.
- L. The registrant shall use and exercise due caution, care, and skill in performing work in public rights-of-way and shall take all reasonable steps to safeguard worksite areas.
- M. Upon the request of the Village, and as notified by the Village of the other work, construction, installation, or repairs referenced below, a registrant may be required to coordinate placement or maintenance activities under a permit with any other work, construction, installation, or repairs that may be occurring or scheduled to occur within a reasonable time frame in the subject public rights-of-way, and the registrant may be required to reasonably alter its placement or maintenance schedule as necessary so as to minimize disruptions and disturbance in public rights-of-way.
- N. A registrant shall not place or maintain its communications facilities or utility poles so that they interfere with, displace, damage, or destroy any facilities, including, but not limited to,

- sewers, gas or water mains, storm drains, pipes, cables, or conduits of the Village or any other entity's facilities lawfully occupying public rights-of-way.
- O. The Village makes no warranties or representations regarding the fitness, suitability, or availability of the Village's public rights-of-way for the registrant's communications facilities and utility poles, and any performance of work, costs incurred, or services provided by the registrant shall be at the registrant's sole risk. Nothing in this subsection K shall affect the Village's authority to add, vacate, or abandon public rights-of-way, and the Village makes no warranties or representations regarding the availability of any added, vacated, or abandoned public rights-of-way for communications facilities and utility poles.
 - P. The Village shall have the right to make such inspections of communications facilities and utility poles placed or maintained in public rights-of-way as it finds necessary to ensure compliance with this subsection K.
 - Q. A permit application to place a new or replace an existing communications facility or utility pole in public rights-of-way shall include plans showing the location of the proposed installation of facilities in public rights-of-way. If the plans so provided require revision based upon actual installation, the registrant shall promptly provide revised "as built" plans. The plans shall be in a hard copy format or an electronic format specified by the Village, provided such electronic format is maintained by the registrant. Such plans in a format maintained by the registrant shall be provided at no cost to the Village.
 - R. The Village reserves the right to place and maintain, and permit to be placed or maintained, sewer, gas, water, electric, storm drainage, communications, and other types of facilities, cables, or conduit, and to do, and to permit to be done, any underground and overhead installation or improvement that may be deemed necessary or proper by the Village in public rights-of-way occupied by the registrant. The Village further reserves, without limitation, the right to alter, change, or cause to be changed the grading, installation, relocation, or width of the public rights-of-way within the limits of the Village and within said limits as same may, from time to time, be altered. Should the registrant be required to relocate its facilities in conjunction with such installation and alteration, the registrant shall be required to pay all costs associated with such relocation.
 - S. A registrant shall, on the request of any person holding a permit issued by the Village, temporarily raise or lower its communications facilities to permit the work authorized by the permit. The expense of such temporary raising or lowering of facilities shall be paid by the person requesting the same, and the registrant shall have the authority to require such payment in advance. The registrant shall be given not less than 30 days' advance written notice to arrange for such temporary relocation.
 - T. A small wireless facility that is a portion of a communication facility, such as an antenna which is attached to a legally maintained vertical structure in the public rights-of-way, shall be subject to the following regulations:
 - 1. Shall not extend more than ten feet above the highest point of the vertical structure.
 - 2. If located on new or existing utility poles, may be required to locate equipment other than the antenna (such as meter boxes) at a location separate from the utility pole. This requirement may be waived by the Village upon a showing that such a requirement is not reasonably compatible for the particular location or that the requirement imposes an excessive expense to the applicant.
 - 3. The Village may require stealth design and color matching of small wireless facilities in areas where the Village has provided facilities such as decorative light poles and other streetscape enhancements. This requirement may be waived by the Village upon a showing that such a requirement is not reasonably compatible for the particular location or that the requirement imposes an excessive expense to the applicant.
 - 4. The height for a new utility pole erected to support a small wireless facility is limited to the tallest utility pole located in the same right-of-way and that existed on July 1, 2017 measured from grade in place within 500 feet of the proposed location of the new utility pole. If there is not a utility pole within 500 feet of the proposed location, the height of the new utility pole shall not exceed 50 feet.

5. Shall not have any type of lighted signal, lights, or illuminations unless required by an applicable federal, state, or local rule, regulation, or law.
 6. Shall comply with any applicable FCC Emissions Standards.
 7. The design, construction, and installation shall comply with any applicable local building codes.
 8. No commercial advertising shall be allowed.
 9. Any accessory equipment and related housing in the public rights-of-way that are used in conjunction with the wireless facility shall comply with any applicable local rules, regulations, ordinances, or laws governing the placement and design of such equipment.
 10. The rate to collocate small wireless facilities on a Village utility pole shall be \$150 per pole annually.
- U. Vertical structures other than utility poles, such as towers, whose sole purpose is to serve as a mounting device for antennae, are expressly prohibited from being located in any public rights-of-way unless applicable zoning and land use laws or regulations allow such structures to be placed within the zoning district in which such public rights-of-way are located or to which they are adjacent.
- 6. Permit Review**
- A. Within 14 days after receiving an application, the Village shall determine and notify the applicant by electronic mail whether the application is complete. If an application is deemed incomplete, the Village shall specifically identify the missing information and allow the applicant to submit the missing information along with a new application. If the Village fails to notify the applicant of deficiencies within 14 days after receiving the application, the application shall be deemed complete.
 - B. The Village shall process all applications in a non-discriminatory manner. A complete application shall be deemed approved if the Village fails to approve or deny the application within 60 days of receipt. The application review period may be extended upon mutual agreement of the parties.
 - C. Notwithstanding subsection B above, within 14 days after the date of filing an application, the Village may request that the proposed location of a communications facility or utility pole that supports a small wireless facility be moved to another location in the right-of-way and/or placed on an alternative Village utility pole or support structure. The Village and the applicant may, for up to 30 days after the date of the request, negotiate the alternative location, including any objective design standards and reasonable spacing requirements for ground-based equipment. If the alternative location cannot be agreed upon by the parties, the applicant shall notify the Village and the Village shall grant or deny the application within 90 days after the date the application was filed. The request for an alternative location, an acceptance of an alternative location, or a rejection of an alternative location must be in writing and provided by electronic mail.
 - D. A permit issued pursuant to an approved application shall remain effective for one year unless extended by the Village.
 - E. The Village shall notify the applicant of approval or denial by electronic mail. If the application is denied, the Village shall specify in writing the basis for denial, including the specific code provisions on which the denial was based. An applicant may cure the deficiencies and resubmit the application within 30 days after notice of the denial is sent to the applicant. The Village shall approve or deny the revised application within 30 days after receipt of the application, or the application shall be deemed approved.
 - F. The Village may deny a proposed collocation of a small wireless facility or a new utility pole in the public rights-of-way if the proposed collocation or utility pole:
 1. Materially interferes with the safe operation of traffic control equipment;
 2. Materially interferes with sight lines or clear zones for transportation, pedestrians, or public safety purposes;
 3. Materially interferes with compliance with the Americans with Disabilities Act or similar federal or state standards regarding pedestrian access or movement;

4. Materially fails to comply with the 2017 edition of the FDOT Utility Accommodation Manual;
 5. Fails to comply with applicable codes; or
 6. Fails to comply with any objective design standards or undergrounding requirements enacted by the Village in accordance with Sec. 337.401(7), Fla. Stat.
- 7. *Suspension of Permits***
- A. The Village may suspend a permit for work in the public rights-of-way for one or more of the following reasons:
 1. Violation of permit conditions, including conditions set forth in the permit, this subsection K, or other applicable county ordinances, codes, or regulations governing placement or maintenance of communications facilities in public rights-of-way;
 2. Misrepresentation or fraud by registrant in a registration or permit application to the county;
 3. Failure to properly renew or ineffectiveness of the registration; or
 4. Failure to relocate or remove facilities as may be lawfully required by the Village.
 - B. The Village shall provide notice and an opportunity to cure any violations of subsection A above, each of which shall be reasonable under the circumstances.
- 8. *Administrative Appeals***
- Final, written decisions of the Village suspending or denying a permit, denying an application for a registration, or denying an application for renewal of a registration are subject to administrative appeal. An appeal is required be filed in writing with the Village within 30 days of the date of the final written decision to be appealed. Any appeal not timely filed as set forth above shall be waived. The Village Manager shall review the appeal and issue a written decision within 45 days. A denial shall identify the specific code provisions on which the denial is based. Upon correction of the grounds that gave rise to a suspension or denial, the suspension or denial shall be lifted.
- 9. *Involuntary Termination of Registration***
- A. The Village may terminate a registration if:
 1. A federal or state authority suspends, denies, or revokes a registrant's certification or license to provide communications services;
 2. The registrant's placement or maintenance of a communications facility in the public rights-of-way presents an extraordinary danger to the general public or other users of the public rights-of-way, and the registrant fails to remedy the danger promptly after receipt of written notice; or
 3. The registrant ceases to use all of its communications facilities in public rights-of-way and has not complied with subsection 13 below.
 - B. Prior to termination, the Village shall notify the registrant in writing. The notice shall set forth all matters pertinent to the proposed termination action, including which of subsections A.1 through A.3 above is applicable as the reason for the termination, and describing the Village's proposed action. The registrant shall have 60 days after receipt of such notice within which to address or eliminate the reason or within which to present a plan satisfactory to the Village to accomplish same. If the plan is rejected, the Village shall provide written notice of such rejection to the registrant and shall make a recommendation to the Director regarding a decision as to termination of registration. A registrant shall be notified in writing of a decision by the Director to terminate its registration. Such written notice shall be sent within seven days after the decision.
 - C. In the event of termination, the former registrant shall:
 1. Notify the Village of the assumption or anticipated assumption by another registrant of ownership of the registrant's communications facilities in public rights-of-way; or
 2. Provide the Village with an acceptable plan for disposition of its communications facilities in public rights-of-way. If a registrant fails to provide such notification or plan for disposition, which determination of non-compliance is subject to appeal in accordance with subsection 8 above, the Village may exercise any remedies or rights it has at law or

in equity, including, but not limited to, taking possession of the facilities where another person has not assumed the ownership or physical control of the facilities or requiring the registrant, within 90 days of the termination, or such longer period as may be agreed to by the registrant, to remove some or all of the facilities from the public rights-of-way and restore the public rights-of-way to their original condition before the removal.

- D. In any event, a terminated registrant shall take such steps as are necessary to render every portion of the communications facilities remaining in the public rights-of-way of the county safe.
- E. In the event of termination of a registration, this section does not authorize the Village to cause the removal of communications facilities used to provide another service for which the registrant or another entity that owns or exercises physical control over the facilities holds a valid certification or license with the governing federal or state agency, if required for provision of such service, and is registered with the Village, if required.

10. Insurance

- A. A registrant shall provide, pay for, and maintain, satisfactory to the Village, the types of insurance described herein. All insurance shall be from responsible companies duly authorized to do business in the state and having a rating reasonably acceptable to the Village. All liability policies shall provide that the Village is an additional insured as to the activities under this subsection K. The required coverages shall be evidenced by properly executed certificates of insurance forms. The certificates shall be signed by an authorized representative of the insurance company and shall be filed and maintained with the county annually. Thirty days' advance written notice by registered, certified mail, or facsimile shall be given to the Village of any cancellation, intent not to renew, or reduction in the policy coverages. The insurance requirements may be satisfied by evidence of self-insurance or other types of insurance acceptable to the Village.
- B. The limits of coverage of insurance required shall be not less than the following:
 - 1. Workers' Compensation and Employer's Liability Insurance: Workers' Compensation - Florida Statutory Requirements; Employer's Liability: \$1,000,000.00 limit each accident.
 - 2. Comprehensive general liability bodily injury and property damage: \$1,000,000.00 combined single limit each occurrence.
 - 3. Automobile liability bodily injury and property damage: \$1,000,000.00 combined single limit each accident.

11. - Indemnification

- A. A registrant shall, at its sole cost and expense, indemnify, hold harmless, and defend the Village, its officials, boards, members, agents, and employees, against any and all claims, suits, causes of action, proceedings, judgments for damages or equitable relief, and costs and expenses incurred by the Village arising out of the placement or maintenance of its communications facilities in public rights-of-way, regardless of whether the act or omission complained of is authorized, allowed, or prohibited by this subsection K, provided, however, that a registrant's obligation hereunder shall not extend to any claims caused by the negligence, gross negligence, or wanton or willful acts of the Village. This provision includes, but is not limited to, the Village's reasonable attorneys' fees incurred in defending against any such claim, suit or proceedings. The Village agrees to notify the registrant, in writing, within a reasonable time of the Village receiving notice, of any issue it determines may require indemnification. Nothing in this section shall prohibit the Village from participating in the defense of any litigation utilizing its own counsel at its own cost if in the Village's reasonable belief there exists or may exist a conflict, potential conflict, or appearance of a conflict. Nothing contained in this subsection K shall be construed or interpreted as denying to either party any remedy or defense available to such party under the laws of the state, or as a waiver of sovereign immunity beyond the waiver provided in Sec. 768.28, Fla. Stat.
- B. The indemnification requirements shall survive and be in effect after the termination or cancellation of a registration.

12. Surety Bond.

- A. Prior to issuing a permit where the work under the permit will require restoration of public rights-of-way, the Village may require a surety bond to secure proper performance under the requirements of any permits and the restoration of the public rights-of-way. Twelve months after the completion of the restoration in public rights-of-way in accordance with the bond, the registrant may eliminate the bond. The Village, however, may subsequently require a new bond for any subsequent work in the public rights-of-way. The surety bond shall be issued by a surety having a rating reasonably acceptable to the Village; shall be subject to the approval of the Village Attorney; and shall provide that: "For 12 months after issuance of this bond, this bond may not be cancelled, or allowed to lapse, until 60 days after receipt by the Village, by certified mail, return receipt requested, of a written notice from the issuer of the bond of intent to cancel or not to renew."
- B. The rights reserved by the Village with respect to any surety bond established pursuant to this section are in addition to all other rights and remedies the Village may have under this LDC, or at law or equity.
- C. In-lieu of a surety bond, the Village shall accept a letter of credit or similar financial instrument issued by any financial institution that is authorized to do business within the United States, subject to the approval of the Village Attorney.

13. Abandonment of Communications Facility

- A. Upon abandonment of a registrant's communications facility in the public right-of-way, the registrant shall notify the Village, in writing, within 90 days. Additionally, registrants shall comply with the provisions of Section 4-143.K.2, Registration for Placing or Maintaining Small Wireless Facilities in Public Rights-of-Way, relating to bi-annual registration and updating of facilities.
- B. The Village may, at its discretion, direct the registrant by written notice to remove all or any portion of such abandoned facility at the registrant's sole expense if the Village determines that the abandoned facility's presence interferes with the public health, safety or welfare, which shall include, but not be limited to, a determination that such facility: (1) compromises safety at any time for any public rights-of-way user or during construction or maintenance activities in public rights-of-way; (2) prevents another person from locating facilities in the area of public rights-of-way where the abandoned facility is located when other alternative locations are not reasonably available; or (3) creates a maintenance condition that is disruptive to the public rights-of-way's use. In the event of (2) above, the Village may require the third person to coordinate with the registrant that owns the existing facility for joint removal and placement, where agreed to by the registrant.
- C. In the event that the Village does not direct the removal of the abandoned facility, the registrant, by its notice of abandonment to the Village, shall be deemed to consent to the alteration or removal of all or any portion of the facility by the Village or another person at such third party's cost.
- D. If the registrant fails to remove all or any portion of an abandoned facility within a reasonable period of time, as directed by the Village, but not to exceed 60 days, the Village may perform such removal and charge the cost of the removal against the registrant. Pass-through Provider Fees and Charges
- E. Pass-through providers that place or maintain one or more communications facilities upon, under, over, or along any public rights-of-way of the Village shall pay the Village an annual fee not to exceed the maximum annual amount allowed under Sec. 337.401, Fla. Stat.
- F. The annual amount referenced in subsection E above shall be due and payable on October 1 of every year. Fees not paid within ten days after the due date shall bear interest at the rate of one percent per month from the date due until paid. The acceptance of any payment required by the Village hereunder shall not be construed as an acknowledgment that the amount paid is the correct amount due, nor shall such acceptance of payment be construed as a release of any claim which the Village may have for additional sums due and payable or authorization to install any facilities in the county's right-of-way.

- G. The Village may require a pass-through provider to provide an annual notarized statement identifying the total number of linear miles of pass-through facilities in the county's rights-of-way, in accordance with Sec. 337.401(6), Fla. Stat.

SECTION 4-2. USE SPECIFIC STANDARDS FOR ACCESSORY USES

4-201. GENERAL STANDARDS FOR ALL ACCESSORY USES AND STRUCTURES

A. Relationship to Principal Uses and Zoning District Regulations

1. General

Accessory uses and structures customarily recognized as clearly incidental and subordinate to the principal use of the land in accordance with this section, are allowed by right, when located on the same lot or parcel and in the same zoning district category as the principal use.

2. Time for Establishment of Accessory Use or Structure

Except as otherwise expressly allowed in the LDC, an accessory use or structure shall not be established or constructed before the establishment or construction of the principal use it serves, except for:

- A. Agricultural accessory structures in the AG district; and
- B. Fences or walls.

3. Location of Accessory Use or Structure in Relation to Principal Building, Streets, and Adjacent Land

- A. Accessory uses and structures may be erected as part of the principal building, may be connected to it by a roofed porch, patio or breezeway, or similar structure, or may be completely detached.
- B. Any accessory use or structure which is structurally part of the principal building shall comply in all respects with the requirements for the principal building.
- C. Any accessory use or structure not structurally made a part of the principal building shall comply with all the dimensional standards of the district in which it is located.
- D. All accessory uses and structures shall not be located closer to the road than the principal building, except:
 - 1. swimming pools, tennis courts, shuffleboard courts, and other similar recreational facilities accessory to a multiple-family, townhouse, or hotel or motel development:
 - (a) If they are approved as part of a planned development; and
 - (b) Are aesthetically landscaped with berms and/or buffers which are adequate to screen the use from the road to prevent it from being a distraction to traffic.
 - 2. Accessory uses on large lots according to specific setback standards in the zoning district.
- E. All accessory residential uses and structures shall be set back a minimum of five feet from the rear property line unless otherwise specified in this LDC, or in the resolution or ordinance approving a planned development.

4. Accessory Use or Structure Not Allowed In Easement, Utility Lines, or Fire Lanes

Except as otherwise expressly allowed in this LDC, an accessory use or structure shall not be located within any platted or recorded easement or over any known utility, or in an area designated as a fire lane or emergency access route.

5. Accessory Use or Structure Not Allowed Within Buffer

No accessory use or structure shall be located within a buffer.

6. Accessory Use or Structure Not Impede Access to Parking Area

No accessory use or structure shall impede the access to or function of a parking area.

7. *If Principal Use Destroyed or Removed, Accessory Use or Structure Not Allowed*

If the principal use or structure served by the accessory use or structure is destroyed or removed, the accessory use or structure shall no longer be allowed.

B. Accessory Structures on Through Lots

Accessory uses and structures may be located on through lots if they comply with the following standards:

1. *Accessory Use or Structure on Through Lot with No Dedicated Buffer*

Accessory uses and structures on through lots with no dedicated buffer easement or residential fence or wall may be placed closer to the secondary road than the principal building as long as the minimum setbacks for roads established in the dimensional standards are maintained. For purposes of this subsection only, secondary road is defined as the road opposite the road which provides principal vehicular access as determined by the prior development pattern of the block on which the principal use is located.

2. *Accessory Use or Structure on Through Lot with Dedicated 10 Foot Buffer*

Accessory uses and structures on through lots with a dedicated buffer easement of ten feet or more (located on the property) that are immediately adjacent to the secondary road shall not encroach into the easement.

3. *Accessory Use or Structure on Through Lot with Abutting Residential Street or Wall*

Accessory uses and structures on through lots with an abutting residential fence or wall shall be set back a minimum of five feet from the property line.

C. Large Accessory Structures

All accessory structures larger than 150 square feet in area and all pools as accessory to dwellings or uses in residential districts must submit a drainage plan with the application for building permit approval demonstrating compliance with the lot grading plan, and the performance standards of Section 5-14, Clearing, Grading, and Filling of Land Standards.

D. Unlisted Accessory Uses and Structures

The Director shall evaluate potential accessory uses or structures that are not identified in the use tables in the zoning districts in Chapter 3: Zoning Districts, on a case-by-case basis, as an interpretation (see Sec. 2-507, Administrative Interpretation). In making the interpretation, the Director shall consider the following:

1. The definition of the accessory use or structure (see Section 10-4, Definitions), and the general accessory use standards established in Sec. 4-201, General Standards for All Accessory Uses and Structures.
2. The additional standards for specific accessory uses established in Sec. 4-202, Standards Applicable to Specific Accessory Uses And Structures.
3. The purpose and intent of the zoning district in which the accessory use or structure is located (see Chapter 3: Zoning Districts);
4. Any potential adverse impacts the accessory use or structure may have on other lands in the area, compared with other accessory uses or structures allowed in the zoning district.
5. The compatibility of the accessory use or structure, including the structure in which it is housed, with other principal and accessory uses permitted in the zoning district.

4-202. STANDARDS APPLICABLE TO SPECIFIC ACCESSORY USES AND STRUCTURES

A. Accessory Apartments

1. An accessory apartment may only be constructed in conjunction with a single-family dwelling.
2. The principal structure shall be owner-occupied.
3. The accessory apartment may be occupied by other than family members of the owner, but shall only be occupied by one family.
4. The lot on which the accessory apartment is located shall be a minimum of 6,000 square feet, and shall conform to the minimum lot area standards of the zoning district in which it is located.

5. One parking space shall be provided for the accessory apartment in addition to the requirements of Section 5-2, Off-Street Parking, Bicycle Parking, and Loading Standards.
6. The floor area of the accessory apartment shall not exceed 30 percent of the floor area of the principal building.
7. An attached garage may be converted to an accessory apartment, as long as it complies with the standards of this subsection.
8. A detached garage may be converted to an accessory apartment if it:
 - A. Is not closer to the street right-of-way or easement than the principal dwelling. In no instance is a conversion allowed when the garage encroaches in the street setback; and
 - B. Complies with all other standards of this subsection.
9. If developed as part of the principal single-family dwelling, the entrance to the accessory apartment shall be designed to retain the appearance of the single-family dwelling.

B. Accessory Structures in Recreational Vehicle (RV) Development

1. One freestanding storage shed not exceeding 120 feet in floor area and ten feet in height is allowed, if:
 - A. The storage shed is not located closer than five feet to the side or rear lot line or closer than ten feet to a recreational vehicle under separate ownership; and
 - B. The shed is properly tied down and complies with all building code requirements.
2. A carport is allowed if the carport:
 - A. Is located on a lot with a minimum of 2,000 square feet in area;
 - B. Does not exceed 12 feet in width, 20 feet in length, and ten feet in height;
 - C. Is not located closer than five feet to any side or rear lot line or closer than ten feet (measured overhang to overhang) to any RV or carport under separate ownership;
 - D. Remains open from grade up to the eave, except the back end of the carport may be attached to a permitted storage shed; and
 - E. Is in compliance with all building code requirements.

C. Dock, Personal

1. Construction, placement, erection and maintenance of a personal dock and other structures designed for use on the dock, adjacent to waterways, shall comply with the Manatee Protection Plan and Sec. 7-201.B, Manatee Protection.
2. Personal docks shall only be permitted as an accessory use to an existing principal use. No personal dock shall be constructed on a lot without a principal use.

D. Drive-through Facility

1. A drive-through facility shall be designed in accordance with Sec. 5-304.C, Vehicle Stacking Space for Drive-through and Related Uses.
2. The drive-through facility shall be designed to avoid obstructions to pedestrian movement along sidewalks, through public use areas, or between parking spaces and building entrances.
3. The design of any roof or awning over the drive-through facility and lanes, including any supporting columns and brackets, shall match the design and exterior building materials of the principal building.

E. Electric Vehicle (EV) Level 1, 2, or 3 Charging Station

1. In the UCR and CC districts, and all the planned development districts, EV Level 3 charging stations are allowed as accessory uses to: townhouse, multiple family, and two-family dwelling developments that contain more than 75 dwelling units, nonresidential development, and major utilities. Level 1 and 2 charging stations are allowed in all zoning districts.
2. Except as otherwise provided in subsection 3 below, EV charging station spaces shall be reserved for the charging of electric vehicles only. Such reserved spaces shall be posted with signage identifying the spaces as reserved only for the charging of electric vehicles, the amperage and voltage levels, any enforceable time limits or tow-away provisions, and contact information for reporting non-operating equipment or other problems.

3. A required accessible parking space for persons with physical disabilities may also serve as an EV charging station space, provided the charging station and its controls meet ADA standards for accessibility to persons with physical disabilities.
4. EV charging station equipment shall be located so as not to interfere with vehicle, bicycle, or pedestrian access and circulation, or with required landscaping.

F. Excavations for Ponds Accessory to Single-Family Dwellings

See Sec. 7-206.G, Excavations.

G. Flagpoles

1. Flagpoles shall be a maximum of 35 feet tall
2. Flagpoles that are 20 feet high or taller require a building permit and meet the wind load standards of the Florida building code
3. Flagpoles shall fly no more than two flags per pole, and the combined area of all flags on the pole shall be no more than 60 square feet.
4. Flagpoles shall be setback at least 15 feet from the right-of-way and 10 feet from all other property lines.

H. Garages

1. The area of a garage as an accessory use to a dwelling may not exceed the area of the first floor of the dwelling.
2. A garage as an accessory use to a dwelling that is constructed with an exterior surface of corrugated or galvanized steel or similar materials (excluding aluminum lap or clapboard-style siding), larger than 240 square feet in total floor area or 12 feet in height above finished floor shall require a special exception for approval.

I. Home Occupations

1. Use of a dwelling unit for a home occupation shall be clearly incidental and subordinate to its use for residential purposes by the occupants.
2. The home occupation use shall be conducted entirely within the dwelling unit or an accessory structure.
3. The home occupation shall not attract customers to the dwelling.
4. No employees other than members of the immediate family residing in the dwelling are permitted to work at the residence, but may be employed to work elsewhere, provided the employees do not come to the residence for equipment, vehicles, or supplies. Under special conditions, like when a disabled person or retiree needing clerical assistance needs assistance conducting the home occupation, the Director may allow one employee who is not a resident of the home to work at the dwelling unit.
5. There shall be no indication from the exterior of the residential dwelling that the dwelling unit is used for any purpose other than a residence, except one non-illuminated nameplate, not exceeding one square foot (144 square inches) in area, may be attached to the building on or next to the entrance.
6. No commodities or display of products on the premises may be visible from the street or surrounding residential area. No outdoor display or storage of materials, goods, supplies or equipment used in the home occupation may be permitted on the premises.
7. Vehicles and trailers for use in connection with a home occupation shall not be parked or stored on the premises unless completely enclosed within a building.
8. The home occupation shall not use commercially licensed vehicles or vehicles which exceed three-quarter ton, for delivery of materials or supplies to or from the premises.
9. No equipment may be used which creates noise, vibration, glare, fumes, odors, or electrical interference objectionable to the normal senses. No equipment or process may be used which creates visual or audible interference in any radio or television receiver off the premises, or causes fluctuations in line voltage off the premises.
10. The home occupation shall not generate greater volumes of traffic than would otherwise be expected to be generated by normal residential uses.

11. A home occupation may not entitle a property to greater air conditioning or emergency electricity generator equipment than would be permitted by normal residential use of the property.

J. Outdoor Display of Merchandise (as Accessory to a Retail Sales and Service Use or Wholesale Use)

Outdoor display of merchandise is allowed as an accessory use to any retail sales and service use or wholesale use that is conducted within a building located on the same lot, unless expressly prohibited in this LDC, or ordinance or resolution. The outdoor display of merchandise shall comply with the following standards:

1. Merchandise displayed shall be limited to that sold or rented by the principal use on the lot.
2. All outdoor display of goods shall be located immediately adjacent to the front or side of the principal building, and not in drive aisles, loading zones, fire lanes, or parking lots.
3. Outdoor display areas along the front or side of a principal building shall be limited to no more than one-half the length of the building's front or side, as appropriate.
4. Outdoor display areas shall be located to maintain a clearance area in front of primary building entrances for at least ten feet directly outward from the entrance width.
5. An obstruction-free area at least five feet wide shall be maintained through the entire length of the display area or between it and adjacent parking areas so as to allow pedestrians and handicapped persons with disabilities to safely and conveniently travel between parking areas or drive aisles to the building and along the front and side of the building, without having to detour around the display area.
6. For the purpose of this accessory use, the following principal uses shall not be considered retail sales and service or wholesale uses, and may not display merchandise outdoors:
 - A. Retail that includes vehicle equipment and supplies sales and rentals;
 - B. Vehicle and boat rental and sales; and
 - C. Vehicle and boat repair and maintenance.

K. Outdoor Seating

Consumption of alcohol as a part of outdoor seating shall only be permitted when a Consumption on Premises permit has been approved at the time of zoning, or later with approval of the PZDB.

L. Outdoor Storage (as an Accessory Use)

1. In the UCR and planned development districts, outdoor storage areas shall be located to the rear of the development's principal building(s). In the CC district, outdoor storage areas shall be located to the side or rear of the development's principal building(s).
2. Where an outdoor storage area stores goods intended for sale or resale, such goods shall be limited to those sold on the premise in conjunction with the principal use of the development.
3. Flammable liquids or gases in excess of 100 gallons shall be stored underground.
4. No materials shall be stored in areas intended for vehicular or pedestrian circulation.
5. Outdoor storage areas shall be enclosed with either a wall made of masonry material consistent with that of the primary building(s) on the lot or wood (or a combination of such a masonry wall and metal fencing). The height of the wall or fence shall be sufficient to screen stored materials from view from public street rights-of-way, private streets, public sidewalks, and any adjoining residential development.
6. Outdoor storage as an accessory use shall be limited to one acre for each permitted principal use on the site.

M. Pickleball Facilities

1. Outdoor lighting and noise levels for pickleball facilities shall not create adverse impacts on surrounding land uses. To address these concerns, the conditions of approval may require noise attenuation measures, landscape buffers, and other mitigation measures deemed necessary to limit adverse impacts on nearby residences.
2. Pickleball facilities shall only be allowed in conventional districts by special exception, or in planned development by amendment.
3. No pickleball facility shall be allowed without a public hearing at the PZDB.

4. All requirements for pickleball facilities shall be at least as stringent as the accessory use standards for swimming pools, tennis courts, porches, decks, and similar recreational facilities.

N. Satellite Earth Station and Amateur Radio Antenna Dish Antenna

1. Applicability

These standards apply only to:

- A. Satellite earth stations greater than two meters (78.74 inches) in diameter that are within the commercial conventional zoning districts or in commercial or industrial areas of planned developments;
- B. Satellite earth stations greater than one meter (39.97 inches) in diameter; and
- C. Amateur radio antennas.

2. Satellite Earth Stations

- A. Satellite earth stations shall comply with the minimum setback standards for the zoning district in which they are located. In no case shall a satellite earth station be placed closer to a right-of-way or road easement than the principal building.
- B. No satellite earth station shall exceed ten feet in diameter except when in conjunction with a cable television or broadcast facility that is approved in accordance with Sec. 2-506.A, Zoning Variance.
- C. No satellite earth station shall be mounted on a roof or a building surface, except a satellite earth station may be mounted on a building that exceeds 35 feet in height (as measured at ground level), if the satellite earth station is not visible at ground level from any abutting right-of-way, road easement, or any property under separate ownership that is zoned or used for residential purposes.
- D. Signs are prohibited on a satellite earth station.
- E. A ground-mounted satellite earth station shall not exceed ten feet in height, except when located in conjunction with a cable television or broadcast facility and approved in accordance with Sec. 2-506.A, Zoning Variance.
- F. A ground-mounted satellite earth station exceeding two meters (78.74 inches) in diameter shall include a landscaped buffer of at least three feet in width between the facility and any right-of-way or ingress/egress or access easement. The buffer shall be at least four feet in height at installation and be maintained at a minimum of five feet in height within one year after time of planting.
- G. A satellite earth station shall be constructed or mounted to withstand sustained winds in accordance with the Florida Building Code. In the event of structural failure, the satellite earth station shall be designed to collapse completely within the boundaries of the lot on which it is located.
- H. The Director may waive the requirements of this subsection if an applicant for a satellite earth station demonstrates in writing, that compliance with these provisions will materially limit transmission or reception by the proposed satellite earth station. The Director may not waive any requirement to a greater extent than is required to ensure that transmission or reception is not materially limited. The decision of the Director is discretionary and may not be appealed.

3. Amateur Radio Antennas

- A. An amateur radio antenna shall be set back from all adjacent property lines by at least five feet, and in no case shall the antenna be placed closer to the right-of-way or street easement than the principal building. An amateur radio antenna shall not be located within any easement.
- B. Signs are prohibited on an amateur radio antenna.
- C. A new amateur radio antenna proposed at heights greater than 75 feet are only allowed if a variance is approved in accordance with Sec. 2-506.A, Zoning Variance.
- D. An amateur radio antenna shall be constructed or mounted to withstand sustained winds in accordance with the Florida Building Code. In the event of structural failure, the antenna shall

be designed to collapse completely within the boundaries of the lot on which it is located. An amateur radio antenna may be monopole, lattice, or guyed type of construction.

- E. A personal wireless services antenna may not be placed on an amateur radio antenna.
- F. The Director may waive the requirements of this subsection when an applicant for an amateur radio antenna demonstrates that compliance with these provisions will preclude amateur radio services. The Director may not waive any requirement to a greater extent than is required to ensure such services. The decision of the Director is discretionary and may not be appealed.

O. Solar Energy Collection Facility, Small-Scale

- 1. The facility may be located on the roof of a principal or accessory structure, on the side of such structures, on a pole, or on the ground in accordance with the standards in Sec. 4-201.A.3, Location of Accessory Use or Structure in Relation to Principal Building, Streets, and Adjacent Land.
- 2. The facility shall comply with the maximum height standards for the zoning district in which it is located, except that a roof-mounted system shall not extend more than 10 feet above the roofline of the structure on which it is mounted.
- 3. The property owner shall be responsible for negotiating with other property owners in the vicinity to establish any solar easement designed to protect solar access for the small-scale solar energy collection facility, and for recording any such solar easement with the Director.

P. Swimming Pools, Tennis Courts, Porches, Decks, and Similar Recreational Facilities

1. Location and Setbacks

All swimming pools, tennis courts, decks and other similar non-roofed accessory facilities shall comply with the following standards:

- A. All tennis courts or other hardscaped or sodded recreation areas shall be graded to prevent water pooling in puddles.
- B. Swimming pools, patios, decks, and other similar recreational facilities shall not exceed three and one-half feet above grade unless they comply with the minimum required principal structure setbacks. Decks or patios that comply with accessory use or structure setbacks may be enclosed with open-mesh screen. Enclosures with an opaque material above three and one-half feet from grade shall comply with principal structure setbacks (It is the responsibility of the applicant to increase all required setbacks sufficient to provide maintenance access around the pool whenever the pool is proposed to be enclosed with open-mesh screening or fencing. A minimum increase in setbacks of three feet is recommended.)
- C. An open-mesh screen enclosure may be covered by a solid roof (impervious to weather), provided that:
 - 1. If it is structurally part of the principal building, the enclosure shall comply with all setback requirements for the principal building.
 - 2. Except when in compliance with the setback requirements for the principal building, a solid roof over a screen enclosure shall be constructed as a flat roof with the pitch no greater than the minimum required for rain runoff.
- D. All pools, tennis courts, and other similar recreational facilities owned or operated as a commercial or public establishment shall comply with the setback regulations for the zoning district in which it is located.

2. Fences

- A. Every swimming pool, hot tub, spa, or similar facility shall be enclosed by a fence, wall, screen enclosure or other structure, not less than four feet in height, constructed or installed to prevent unauthorized access to the pool by persons not residing on the property. For purposes of this subsection, the height of the structure shall be measured from the ground level outside of the area enclosed. The enclosure may contain gates, if they are self-closing and self-latching.
- B. Aboveground pools, hot tubs, spas, and similar facilities shall fulfill either the enclosure requirements for in-ground pools or shall be constructed so that the lowest entry point (other

- than a ladder or ramp) is a minimum of four feet above ground level. A ladder or ramp providing access shall be constructed or installed to prevent unauthorized use.
- C. A spa, hot tub, or other similar facility which has a solid cover (not a floating blanket) which prevents access to the facility when not in use shall be permitted to use the solid cover in-lieu of fencing or enclosure requirements.
 - D. Fences used to enclose tennis courts shall not exceed 12 feet in height above the playing surface.
3. *Lighting*
Lighting used to illuminate a swimming pool, tennis court, or other recreational facility shall be directed away from adjacent properties and roads, and shall shine only on the subject site.
4. *Commercial Use*
No swimming pool, tennis court, or other recreational facility permitted as a residential accessory use shall be operated as a business.
5. *Uses Not Included*
Pickleball facilities are not included in this use.
6. *Large Accessory Structures*
All swimming pools accessory to dwellings or uses in residential districts shall be considered large accessory uses and shall comply with Sec. 4-201.C, Large Accessory Structures.

Q. Trucks and Commercial Vehicles Prohibited in Residential Districts and Developments

The following types of trucks or commercial vehicles shall not be parked or stored on any land in any residential district, planned development that allows residential uses, or residential dwelling in another district:

- 1. A tractor-trailer or semi-trailer truck;
- 2. A truck with two or more rear axles;
- 3. A truck with a manufacturer's Gross Vehicle Weight Rating (GVWR) in excess of 15,000 pounds; or
- 4. Any truck and trailer combination, such as those customarily used in landscaping businesses, excluding a trailer used solely for non-commercial or recreational purposes, resulting in a combined manufacturer's Gross Vehicle Weight Rating (GVWR) in excess of 15,000 pounds.

SECTION 4-3. TEMPORARY USES AND STRUCTURES

4-301. GENERAL

A. Purpose

The purpose of this section is to authorize the establishment of certain temporary uses and structures, which are uses (including special events) and structures of a limited duration. This section also identifies the zoning districts in which temporary uses and structures are allowed, identifies what type of permit or review is required to establish them, sets out general standards applicable to all temporary uses and structures, and sets out any special standards applicable to particular temporary uses and structures. This section is intended to ensure that such uses or structures do not negatively affect adjacent land, are discontinued upon the expiration of a set time period, and do not involve the construction or alteration of any permanent building or structure.

B. Organization of this Subsection

Table 4-301.C: Temporary Uses and Structure Table, shows whether a particular type of temporary use or structure is permitted or prohibited within the various zoning districts. Sec. 4-302, General Standards for All Temporary Uses and Structures, establishes general standards that apply to all allowed temporary uses and structures. Sec. 4-303, Standards Specific to Temporary Uses and Structures, establishes standards that apply to particular types of temporary uses or structures regardless of the zoning district in which they are allowed or the review procedure by which they are

approved, unless expressly stated to the contrary. These standards may be modified by other applicable requirements in this LDC.

C. Temporary Use / Structure Table

1. Organization of Temporary Uses and Structures

A. Designation of Uses and Structures

The following abbreviations are used in the temporary uses and structures table to designate whether and how a temporary use or structure is allowed in a particular zoning district.

P A “P” indicates that the use or structure is allowed by right as a temporary use or structure in the corresponding district.

T A “T” indicates that the use or structure is allowed by right as a temporary use or structure in the corresponding district, but the approval of a temporary use permit is required before the temporary use is allowed (see Sec. 2-505.C, Temporary Use Permit).

A blank cell indicates that the use or structure is prohibited as a temporary use or structure in the corresponding zoning district.

All uses are subject to Sec. 4-302, General Standards for All Temporary Uses and Structures. Any use specific standards for specific types of temporary uses or structures is referenced in the final column of the table and set down in Sec. 4-303, Standards Specific to Temporary Uses and Structures. Specific standards apply to the temporary use in any zoning district unless otherwise specified

TABLE 4-301.C: TEMPORARY USES AND STRUCTURES TABLE															
P= Permitted temporary use or structure, no Temporary Use Permit required T= Permitted temporary use or structure, Temporary Use Permit required Blank cell= Temporary use or structure is prohibited															
Temporary Uses and Structures	Zoning District													Use- Specific Standards	
	AG	RSF	RM-2	MH / RV	CS	UCR	CC	P	RPD	CFPD	CPD	MPD	EPD		EC
Construction-related building or use		T	T	T	T	T	T		T	T	T	T	T		4-303.A
Farmers; market, temporary			T			T	T				T	T	T		4-303.B
Garage sale	P	P	P	P					P			T	T		4-303.C
Model dwelling/unit		T	T	T					T			T	T		4-303.D
Portable shipping container		P	P	P	T		T		P		T	T			4-303.E
Seasonal sales	T				T	T	T		T		T	T	T		4-303.F
Special event		T	T	T	T	T	T		T	T	T	T	T		4-303.G
NOTE:															
[1] Automobile sales, mobile home sales, RV sales, and boat sales are not permitted as temporary uses.															

4-302. GENERAL STANDARDS FOR ALL TEMPORARY USES AND STRUCTURES

Unless otherwise specified in this LDC, all temporary uses and structures shall:

- A. Obtain any other applicable Village, county, state, or federal permits;

- B. Not involve the retail sales or display of goods, products, or services within a public right-of-way, except as part of a Village-authorized event;
- C. Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;
- D. Be compatible with the principal uses taking place on the site;
- E. Not have adverse health, safety, noise, or nuisance impacts on any adjoining permanent uses or nearby residential neighborhoods;
- F. Not include permanent alterations to the site;
- G. Not violate the applicable conditions of approval that apply to a site or a use on the site;
- H. Not interfere with the normal operations of any permanent use located on the property; and
- I. Be located on a site containing sufficient land area to allow the temporary use, structure, or special event to occur and accommodate associated pedestrian, parking, and traffic movement without disturbing environmentally sensitive lands.

4-303. STANDARDS SPECIFIC TO TEMPORARY USES AND STRUCTURES

The standards set forth in this subsection for a specific temporary use or structure shall apply to the particular individual temporary use or structure, regardless of the zoning district in which it is located or the review procedure by which it is approved, unless otherwise specified in this LDC. This subsection is intended to set forth and consolidate the standards for all temporary uses and structures for which a reference to this subsection is provided in the “Standards for Specific Temporary Uses and Structures” column of Table 4-301.C: Temporary Uses and Structure Table.

A. Construction-related Building, Structure

A construction-related building, structure, or use shall comply with the following standards:

1. The temporary building, structure, or use shall not be moved onto the project site prior to the issuance of a building permit and shall be removed within 30 days after issuance of the final certificate of occupancy for the building or completed development.
2. Adequate off-street parking for the temporary building, structure, or use shall be provided in accordance with the minimum standards for number of off-street parking spaces in Section 5-2, Off-Street Parking, Bicycle Parking, and Loading Standards.
3. Construction site fencing may remain in place provided the building permit remains active and has not expired. Signage is not permitted on construction fences.
4. The Director shall issue the temporary use permit (Sec. 2-505.C, Temporary Use Permit), for an appropriate period of time not to exceed 12 months, and may extend the temporary use permit for an additional 12 months on finding that the building construction or land development is proceeding in a reasonably timely manner.

B. Farmers’ Market, Temporary

1. The farmers’ market shall operate only with written permission from the owner of the property on which it is located.
2. The farmers’ market shall operate for no more than 60 days in any one calendar year.
3. The farmers’ market shall be open only during daylight hours.
4. The farmers’ market shall only be located on the open area or parking lot of private or publicly owned property.
5. The farmers’ market may operate inside a public or privately owned building for a period not to exceed a total of 30 days in a calendar year.
6. The farmers’ market shall provide adequate ingress, egress, and off-street parking areas. Vehicular access to the subject property shall not be by means of roads internal to subdivisions or neighborhoods for single-family dwellings.
7. Sales shall be limited to the retail sale of agriculture, aquaculture, or horticulture products, and the sale of products made by the vendor from such products (e.g., baked goods, jams and jellies, juices, cheeses) and incidental sales of crafts or similar home-made products made by the vendor. These incidental sales shall not constitute more than ten percent of revenue or display space.

8. Items for sale shall not be displayed or stored within customer pathways.
9. No advertisement of professional services or vehicle sales shall be allowed.
10. The market shall have an established set of operating rules addressing the governance structure of the market, hours of operation, and maintenance and security requirements and responsibilities.
11. The market shall have a manager authorized to direct the operations of all participating vendors during all hours of operation.

C. Garage Sale

1. Sales shall be held no more than twice in a calendar year.
2. Sales shall last no longer than three consecutive days.
3. Sales shall only occur on residential property.
4. Sales shall be conducted on the owner's property. Sales at townhouses, two-family, and multiple-family dwellings are permitted if they are held on the property owned by one of the participants.
5. No goods purchased for resale may be offered for sale.

D. Model Dwellings/Unit

Model dwellings/units may be located on a new development site and temporarily used for demonstrating the type of space for sale or lease in a residential development, or mixed-use development with residential units, subject to the following standards:

1. A model dwelling/unit shall be located on a lot or building site approved as part of the development, or within a building approved as part of the development.
2. Adequate measures shall be taken to ensure the use will not adversely affect the health and safety of residents or workers in the area, and will not be detrimental to the use or development of adjacent properties or the surrounding neighborhood.
3. There shall be no more than four model dwelling/units per builder in the development.
4. The model dwelling/unit shall comply with all dimensional and development standards in the LDC.
5. The model dwelling/unit shall be aesthetically compatible with the character of the community and surrounding area in terms of exterior color, predominant exterior materials, and landscaping.
6. At least one parking space shall be provided for every 300 square feet of gross floor area of the model dwelling/unit. Accessible parking for persons with physical disabilities is required.
7. On termination of the temporary real estate sales/leasing use of a model dwelling/unit, the dwelling/unit shall be converted into, or removed and replaced with a permanent permitted use, and any excess parking shall be removed and landscaped in accordance with the development permits and approvals for the development.
8. A model dwelling/unit shall not be used for storage of building materials.

E. Portable Shipping Container

Temporary storage in portable shipping containers shall comply with the following standards:

1. Storage containers shall not exceed 160 square feet in floor area or be taller than eight feet.
2. Containers shall be located within a driveway, parking, or loading area. In cases where the driveway, parking, or loading area extends behind the front façade of a building, the container shall be placed behind the front façade.
3. In cases where improved driveways, parking, or loading areas are not present, containers shall be located so as to minimize their visibility from roads or adjacent residential areas, to the extent practicable.
4. Nothing in these standards shall limit the placement of more than one container on a lot or site, provided compliance with all other applicable standards is maintained.
5. Except for storage containers located on construction sites, storage containers shall not be located on an individual parcel or site for more than 30 consecutive days per site per permit.
6. Storage containers may be placed on a residential site a maximum of two occurrences per year, per residential dwelling unit.

7. A storage container on a nonresidential site may be approved for up to three consecutive 30 day permits. Once the container has been removed, a minimum period of six months is required between the removal of a storage container from a nonresidential site and the subsequent placement of a storage container on the site.

F. Seasonal Sales

1. The display/sales area shall be located at least 25 feet from an existing road line and from any adjacent lot lines.
2. Adequate measures shall be taken to ensure that the use will not adversely affect the health and safety of residents or workers in the area, and will not be detrimental to the use or development of adjacent properties or the general neighborhood.
3. Off-street parking shall be adequate to accommodate the proposed sale of products.
4. The permit shall be valid for no more than 45 consecutive days.

G. Special Event

1. Applicability

- A. All special events (including but not limited to cultural events, musical events, celebrations, festivals, fairs, carnivals, and circuses) held on private property, public or private roads, or public parks within the Village shall comply with the requirements and standards in this subsection, unless exempted in accordance with subsection B below.
- B. The following events or activities are exempt from the standards of this subsection and may occur without a temporary use permit for a special event. They are subject to all other applicable procedures and standards of this LDC:
 1. Special events or activities occurring within, or on the grounds of, a single-family development.
 2. Block parties or neighborhood activities with fewer than 100 attendees.
 3. Any event sponsored in whole or in part by the Village.
 4. Any organized activities conducted at sites or facilities typically intended and used for such activities. Examples of such exempt activities include, but are not limited to, sporting events such as golf, soccer, softball, and baseball tournaments conducted on courses or fields intended and used for such activities; fairs and carnivals at fairgrounds; wedding services conducted at places of worship, reception halls, or similar facilities; concerts or shows at arenas or large performance venues; funeral services conducted at places of worship, funeral homes, or cemeteries.
 5. Any event with a duration of four hours or less.

2. Standards

An application for a temporary use permit for a special event (see Sec. 2-505.C, Temporary Use Permit) shall not be approved unless it complies with the following standards, in addition to the standards in Sec. 4-302, General Standards for All Temporary Uses and Structures.

- A. The application does not contain intentionally false or materially misleading information.
- B. There is a finding that the special event would not create an unreasonable risk of significant:
 1. Damage to public or private property, beyond normal wear and tear;
 2. Injury to persons;
 3. Public or private disturbances or nuisances;
 4. Unsafe impediments or distractions to, or congestion of, vehicular or pedestrian travel;
 5. Additional and impracticable or unduly burdensome demand on police, fire, trash removal, maintenance, or other public services; and
 6. Other adverse effects upon the public health, safety, or welfare.
- C. The special event shall not be of such a nature, size, or duration that the particular location requested cannot reasonably accommodate the event.
- D. The special event shall not be at a time and location that has already been permitted or reserved for other activities.

- E. The special event shall not include car, RV, mobile home, or vehicle sales; or advertise services unrelated to the event.

3. Conditions of Approval

In approving the temporary use permit for the special event, the Director is authorized to impose such conditions upon the premises benefited by the permit as may be necessary to reduce or minimize any potential adverse impacts upon other property in the area, as long as the condition relates to a situation created or potentially created by the proposed special event. The Director is authorized, where appropriate, to require:

- A. Provision of temporary parking facilities, including vehicular access and egress.
- B. Control of nuisance factors, such as but not limited to the prevention of glare or direct illumination of adjacent properties, noise, vibrations, smoke, dust, dirt, odors, gases, and heat.
- C. Regulation of temporary buildings, structures and facilities, including placement, height and size, location of equipment and open spaces, including buffer areas and other yards.
- D. Provision of sanitary and medical facilities.
- E. Provision of solid waste collection and disposal.
- F. Provision of security and safety measures.
- G. Use of an alternative location or date for the proposed special event.
- H. Modification or elimination of certain proposed activities.
- I. Regulation of operating hours and days, including limitation of the duration of the special event to a shorter time period than that requested or specified in this subsection.
- J. Submission of a performance guarantee to ensure that any temporary facilities or structures used for such proposed special event will be removed from the site within a reasonable time following the event and that the property will be restored to its former condition.

4. Duration of Permit

A temporary use permit for a special event authorized in accordance with this subsection shall be limited to a maximum duration of 14 days per site per calendar year, unless otherwise specifically authorized by the Director.

SECTION 4-4. ALCOHOLIC BEVERAGES

No structure, building, establishment or premises shall be occupied, used, or maintained for the purpose of the retail sale, service, or consumption of alcoholic beverages except in conformity with all applicable Village regulations, including this section, and with applicable state regulations.

4-401. SALE FOR OFF-PREMISES CONSUMPTION

- A. Package stores which have only a 1-APS state liquor license are exempt from this section, except for subsection C below.
- B. The sale of alcoholic beverages for consumption off the premises shall be allowed as a permitted use as follows, provided that the regulations set forth in subsection C below are met:
 - 1. In any zoning district where package stores are listed as a permitted use, only when the establishment is licensed only as a package store; and
 - 2. In any retail sales or services establishment where the sale of alcoholic beverages for consumption off-site is clearly incidental to other retail sales commodities, such as in a grocery store or food market, or drugstore, limited to PS series liquor licenses.
- C. Only alcoholic beverages in original factory-sealed containers shall be permitted to be sold.
- D. In addition to the requirements of subsections A through C above, any establishment primarily engaged in the sale of alcoholic beverages for consumption off-site shall also be required to comply with all applicable state liquor laws.

- E. No package store or other establishment primarily engaged in the retail sale of liquor for consumption off-site shall be permitted closer than 500 feet to any religious facility, place of worship, school, day care center (child), park, or dwelling unit, or within 500 feet from any other establishment primarily engaged in the sale of alcoholic beverages.
1. For purposes of this subsection E, the distance shall be measured in a straight line from any public entrance or exit of the establishment to the nearest property line of the religious facility, place of worship, school, day care center (child), park, or dwelling unit, or any public entrance or exit of any other establishment primarily engaged in the sale of alcoholic beverages.
 2. Where an establishment for the sale of alcoholic beverages is located in conformity with the provisions of this subsection, and a religious facility, place of worship, school, day care center (child), park or dwelling unit is subsequently established in the proximity of such existing establishment, then the separation requirements shall not apply.
 3. Notwithstanding this subsection E, where a package store is located in a shopping center which is 25,000 square feet or greater in size, the separation requirements from any dwelling unit shall not apply.
 4. In any planned development where the applicant is contemplating the sale of alcoholic beverages for consumption off the premises in an establishment which cannot meet the distance requirements set forth in this subsection E, the applicant shall request a deviation from the requirements of this subsection in accordance with Sec. 2-506.C.2.A, Generally.

4-402. SALE OR SERVICES FOR ON-PREMISES CONSUMPTION

A. Approval Required

The sale or service of alcoholic beverages for consumption on the premises is not permitted until the location is approved as follows.

1. Administrative Approval

The Director may administratively approve the sale or service of alcoholic beverages for consumption on the premises, in conjunction with the following uses, if the proposed use satisfies the requirements set forth in this section. When circumstances so warrant, the Director may determine administrative approval is not the appropriate action and that the applicant shall instead apply for approval as a special exception in accordance with Sec. 2-501.E, Special Exception. Such circumstances may include the previous denial of a similar use at that location, the record of public opposition to a similar use at that location, and similar circumstances:

- A. Village- or County-owned airports, arenas, and stadiums;
- B. Bowling alleys, provided the standards set forth in subsection B.2.A and 3 below are met;
- C. Bars in golf courses, tennis clubs, or indoor racquetball clubs, provided the standards set forth in subsections B.2.D, B.2.E, and 3 below are met;
- D. Hotels or motels, provided the standards set forth in subsection B.2.B and 3 below are met; and
- E. Beer and wine taste testing in conjunction with package sales (consumption off premises).

2. Special Exception

- A. A special exception approved in accordance with Sec. 2-501.E, Special Exception, for consumption on the premises is required for:
 1. Any establishment not covered by subsection 1 above; or
 2. Any establishment which provides outdoor seating areas for its patrons consuming alcoholic beverages.
- B. The burden of proof lies with the applicant to demonstrate that the grant of the special exception will not have an adverse effect on surrounding properties.

3. Within a Planned Development

- A. No administrative approval is necessary where an individual establishment or other facility proposing consumption on the premises is explicitly designated on a PD Master Concept Plan, is included on the schedule of uses, and has hours of operation specifically listed in the PD Master Concept Plan.

- B. If consumption on the premises is shown as a permitted use on the approved schedule of uses for a shopping center, no administrative approval for consumption on the premises is required for indoor portions of restaurants within the center.
- C. Consumption on the premises for other uses and outdoor seating within planned developments requires administrative approval or amendment to the planned development. Any consumption on premises located outdoors must have a public hearing prior to approval.

B. Location

1. Prohibited Locations

- A. Except as exempted in subsections C or 2 below, no establishment for the sale or service of alcoholic beverages for consumption on the premises shall be located within 500 feet of:
 - 1. A religious facility, place of worship, school, day care center (child) or park;
 - 2. A dwelling unit under separate ownership, except when approved as part of a planned development; or
 - 3. Another establishment primarily engaged in the sale of alcoholic beverages for consumption on the premises, excluding those uses listed under subsection 2 below.
- B. Distance shall be measured from any public entrance or exit of the establishment in a straight line to the nearest property line of the religious facility, place of worship, school, day care center (child), dwelling unit, or park, or to the closest public entrance or exit of any other establishment primarily engaged in the sale of alcoholic beverages.
- C. Where an establishment for the sale of alcoholic beverages is located in conformity with the provisions of this subsection, and a religious facility, place of worship, school, day care center (child), park, or dwelling unit is subsequently established in the proximity of the existing establishment, then the separation requirements shall not apply.

2. Exemptions to Location Standards

The following specific principal uses are exempt from the location standards in subsection 1 above provided conditions listed in this subsection are met:

A. Bowling Alleys

- 1. A bowling alley is only exempt from a location near another establishment primarily engaged in the sale of alcoholic beverages for consumption on the premises. A bowling alley is not exempt from distance requirements from a religious facility, place of worship, school, day care center (child), or park; or a dwelling unit under separate ownership, except when approved as part of a planned development;
- 2. There are no signs, or other indication visible from the outside of the structure that beer or wine or other malt and vinous beverages are served;
- 3. The bowling alley is in a fully air conditioned building with at least 10,000 square feet of floor space under one roof where both uses are owned by the same entity.
- 4. The building contains at least 12 alleys available for bowling. The facilities for the service of food and beverages shall be in an area separate from the alleys.
- 5. The facility for the service of food and beverages shall contain at least 2,000 square feet of usable floor space and shall accommodate at least 60 patrons at tables.

B. Restaurants

- 1. The restaurant is in full compliance with state requirements;
- 2. The restaurant serves cooked, full-course meals, prepared daily on the premises; and
- 3. Only a service bar is used and the sale or service of alcoholic beverages is only to patrons ordering meals, or, if the restaurant contains a bar for patrons waiting to be seated at dining tables, the lounge is located so that there is no indication from the outside of the structure that the bar is within the building.

C. Hotels or Motels

- 1. The hotel or motel contains at least 100 guest rooms under the same roof, and bars are located within the hotel or motel and under the same roof;

2. The exterior of the building shall not have storefronts or give the appearance of commercial or mercantile activity visible from the highways.
 3. If the use contains windows visible from the highway, the windows shall be of fixed, obscure glass. Access to the use associated with consumption shall be through the lobby. Additional entrances are not permitted unless the additional entrance or door opens into an enclosed courtyard or patio. The additional entrance shall not be visible from a road. A fire door or exit is permitted so long as the door or exit is equipped with panic type hardware and is maintained in a locked position except in an emergency.
- D. *Golf Course Clubhouses*
1. The golf course consists of at least nine holes, a clubhouse, locker rooms, and attendant golf facilities, and is on at least 35 acres of land.
 2. Failure of the club to maintain the golf course, clubhouse, and golf facilities automatically terminates the privilege of the bar and sale of beer from the refreshment stands.
- E. *Tennis Clubs and Indoor Racquet Clubs*
1. The club shall be chartered or incorporated or own or lease and maintain a bona fide tennis club or four-wall indoor racquetball club consisting of not less than:
 - (a) Ten regulation-size tennis courts; or
 - (b) Ten regulation-size four-wall indoor racquetball courts; or
 - (c) A combination of tennis courts and four-wall indoor racquetball courts numbering ten;
 2. Clubhouse facilities, pro shop, locker rooms, and attendant tennis or racquetball facilities, are all located on an abutting tract of land owned or leased by the club.
 3. There shall be no signs or other indications visible from the exterior of the clubhouse, building, or structure that alcoholic beverages are served.
- F. *Clubs, Lodges, or Community-Oriented Organizations*
1. The club or organization conforms to Ch. 451, Fla. Stat., and all other applicable state laws; and
 2. There are no signs or other indication visible from the exterior of the clubhouse, building, or structure that alcoholic beverages are served.

C. Parking

Establishments providing alcoholic beverages for consumption on the premises shall comply with the parking requirements in Sec. 5-204, Off-Street Parking Standards.

D. Procedure for Approval

1. Administrative Approval

A. Application

An application for a consumption on the premises permit shall submit the following information in a form established by the Director:

1. The name, address, and telephone number of the applicant.
2. The name, address, and telephone number of the owner of the premises, if not the applicant.
3. An authorization from the property owner to apply for the permit.
4. Location by STRAP and street address.
5. Type of state liquor license being requested and anticipated hours for the sale and service of alcoholic beverages.
6. A site plan, drawn to scale, showing:
 - (a) The property in question, including all buildings on the property and adjacent property;
 - (b) Entrances to and exits from the building to be used by the public;
 - (c) A parking plan, including entrances and exits;

- (d) The floor area of the building and proposed seating capacity. If a restaurant is proposing a bar for patrons waiting to be seated in the restaurant, the floor area and seating area of the bar shall be shown in addition to the restaurant seating area.
 - 7. A Village map marked to indicate all property within 500 feet of the building to be used for consumption on the premises.
 - 8. A sworn statement indicating that no religious facilities, places of worship, day care centers (child), schools, dwelling units, or parks are located within 500 feet of the building.
- B. Findings by Director**
- The Director shall approve the application only upon finding the following:
- 1. There will be no apparent deleterious effect upon surrounding properties and the immediate neighborhood as represented by property owners within 500 feet of the premises.
 - 2. The premises are suitable in regard to their location, site characteristics, and intended purpose. Lighting will be shuttered and shielded from surrounding properties.
- 2. Special Exception**
- A. Applications for special exception shall be submitted shall be in a form established by the Director and contain the same information required for administrative approval.
 - B. Notice for public hearings shall be conducted in accordance with Sec. 2-405, Scheduling Of Public Hearing And Public Notification.
 - C. Public hearings shall be conducted in accordance with Sec. 2-407, Public Hearing Procedures.
- E. Temporary One-Day Permit**
- 1. Intent and Applicability**
- It is the intent of this subsection to require all establishments in the Village who want to serve liquor at a special one-day event other than those listed below, to obtain a one-day temporary alcoholic beverage permit for the sale of alcoholic beverages at the specific location where an event is held. This includes but is not limited to the following uses:
- A. Grand openings or open houses at residential, commercial, mixed-use, or light industrial developments;
 - B. Special outdoor holiday or celebration events at bars and restaurants;
 - C. Weddings and other special occasions at clubhouses;
 - D. Political rallies or events;
 - E. Block parties; and
 - F. Carnivals.
- 2. Procedure for Approval**
- A. Any owner, lessee, or tenant seeking approval for consumption on the premises for a temporary alcoholic beverage permit, shall submit a written request to the Director. The written request shall include:
 - 1. The name and address of the applicant;
 - 2. A general description of the exact site where alcoholic beverages are to be sold and consumed;
 - 3. The type of alcoholic beverages to be sold and consumed;
 - 4. A fee in accordance with the adopted fee schedule; and
 - 5. A temporary use permit, if applicable.
 - B. The Director shall render a final decision either approving, approving with conditions, or denying the application within a reasonable time. The Director may forward the request to other appropriate agencies for comment.

3. Time Limit

- A. Only 18 temporary alcoholic beverage permits may be issued per year to a specific location, including those in conjunction with a temporary use permit. If more than 18 permits are sought per year for a specific location, the location shall obtain a permanent alcoholic beverage special exception. If the event for which the temporary alcoholic beverage permit is sought continues for longer than one day, the applicant may petition the Director for an extended permit. A temporary alcoholic beverage permit will not be issued by the Director for more than three days.
- B. The PZDB will review all requests for temporary alcoholic beverage permits where an event will run longer than three days. Under no circumstances will a temporary alcoholic beverage permit be issued for more than ten days.
- C. If the temporary alcoholic beverage permit is obtained in conjunction with a temporary use permit, issuance of the permit shall comply with the time limits established in Sec. 2-505.C, Temporary Use Permit.

F. Expiration of Approval

After the following time periods, the administrative or special exception approval of a location for the sale and consumption of alcoholic beverages on the premises granted in accordance with this section will expire and become null and void:

- 1. In the case of an existing structure, the approval will expire six months from the date of approval unless, within that period of time, operation of the alcoholic beverage establishment has commenced. For purposes of this subsection, the term “operation” is defined as the sale of alcoholic beverages in the normal course of business.
- 2. In the case of a new structure, the approval will expire one year from the date of approval unless, within that period of time, operation of the alcoholic beverage establishment has commenced. The Director may grant one extension of up to six months, if construction is substantially complete.

G. Transfer of Permit

Alcoholic beverage permits, excluding permits as noted in subsection A.1, Administrative Approval A.1 above, issued by virtue of this section are a privilege running with the land. Sale of the real property will automatically vest the purchaser with all rights and obligations originally granted to or imposed on the applicant. The privilege may not be separated from the fee simple interest in the realty.

H. Expansion of Area Designated for Permit

The area designated for an alcoholic beverage permit may not be expanded without filing a new application for an alcoholic beverage permit in accordance with the requirements of this section. The new application shall cover both the existing designated area as well as the proposed expanded area. All areas approved shall be under the same alcoholic beverage permit and subject to uniform rules and regulations.

I. Nonconforming Establishments

1. Expansion

A legally existing establishment engaged in the sale or service of alcoholic beverages made nonconforming by reason of the regulations contained in this section may not be expanded without approval of a special exception in accordance with Sec. 2-501.E, Special Exception. The term “expansion,” as used in this subsection, includes the enlargement of space for the use and uses incidental thereto, and the expansion of a beer and wine bar to include intoxicating liquor, as that term is defined by the Florida Statutes. Nothing in this subsection may be construed as an attempt to modify any prohibition or diminish any requirement of state law.

2. Abandonment

Any uses, created and established in a legal manner, which thereafter become nonconforming, may continue until there is an abandonment of the permitted location for a continuous six-month period. For purposes of this subsection, the term “abandonment” means failure to use the location for consumption on the premises purposes as authorized by the special exception, administrative

approval, or other approval. Once a nonconforming use is abandoned, it cannot be reestablished unless it conforms to the requirements of this LDC and new permits are issued.

J. Revocation of Permit Approval

1. The Director in cases where the Director would have authority to approve the original permit, and otherwise the PZDB, has the authority to revoke an alcoholic beverage special exception, administrative approval, or other approval upon any of the following grounds:
 - A. A determination that an application for special exception or administrative approval contains knowingly false or misleading information.
 - B. Violation by the permit holder of any provision of this LDC, or violation of any state statute which results in the revocation of the permit holder's state alcoholic beverage license by the State Alcoholic Beverage License Board or any successor regulatory authority.
 - C. Repeated violation of any Village ordinance at the location within the 12-month period preceding the revocation hearing.
 - D. Failure to renew a state liquor license, or written declaration of abandonment by the tenant and owner of the premises if under lease, or by the owner if not under lease.
 - E. Abandonment of the premises. An establishment which continually maintains (renews) its state liquor license, even though it has suspended active business with the public, will not be deemed to have been abandoned for purposes of this subsection.
 - F. Violation by the permit holder of any condition imposed upon the issuance of the special exception or administrative approval.
 - G. Violation of any of the minimum standards of the special exception.
2. Prior to revoking an administrative approval, special exception, or other approval for alcoholic beverages, the Director or PZDB, as appropriate, shall conduct a public hearing at which the permit holder may appear and present evidence and testimony concerning the proposed revocation. At the hearing, the Director may revoke the permit if a violation described in this subsection is established by a preponderance of the evidence. The permit holder shall be notified of the grounds upon which revocation is sought prior to any hearing, and shall be given notice of the time and place of the hearing.
3. When an alcoholic beverage permit is revoked in accordance with the terms of this subsection, the Village shall not consider a petition requesting an alcoholic beverage permit on the property for a period of 12 months from the date of final action on the revocation.
4. Upon written demand of the Director, any owner or operator of an establishment with a consumption on premises license shall make, under oath, a statement itemizing the percentage of gross receipts from the sale of alcoholic beverages. Failure to comply with the demand within 60 days of the demand date is grounds for revocation of the special exception, administrative approval, or other approval.

K. Appeals

All appeals of a decision by the Director shall be in accordance with Sec. 2-506.D, Appeal of Administrative Official Decision.

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CHAPTER 5. SITE DEVELOPMENT STANDARDS

SECTION 5-1. GENERAL SITE DEVELOPMENT STANDARDS

5-101. OVERVIEW

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

5-102. GENERAL STANDARDS

The following standards apply to all development in the Village:

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

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

5-201. PURPOSE AND INTENT

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

5-202. APPLICABILITY

A. New Development

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

B. Existing Development

1. *Change in Use*

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

2. *Expansion*

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

3. *Repair from Damage*

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

4. *Upgrading of Nonconforming Parking*

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

5-203. PARKING AND LOADING PLAN REQUIRED

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

5-204. OFF-STREET PARKING STANDARDS

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

1. *Use of Parking and Loading Areas*

A. *General*

1. Off-street parking areas required by this section shall be used solely for the parking of licensed motorized vehicles in operating condition, except as provided below. Required parking spaces and loading berths may not be used for the display of goods for sale (except that farmers' markets may be permitted to operate within parking areas), or for the sale, lease, storage, dismantling, or service of any vehicles, boats, motor homes, campers, mobile homes, building materials, equipment, or supplies.
2. The Director may approve the installation of charitable drop-off collection stations, automatic teller machines (ATMs), or similar facilities within a designated off-street parking area upon determining that these facilities:
 - (a) Do not reduce off-street parking required by this section; and
 - (b) Do not create a traffic or pedestrian hazard.
3. Residential property owners are not prohibited from the occasional servicing of their own noncommercial vehicle or conducting normal residential accessory uses.
4. Off-street parking areas required by this section may be used for carnivals, fairs, and amusement attractions and devices in accordance with the following standards:
 - (a) The off-street parking area shall have enough spaces to comply with the minimum requirements for both the uses served by the off-street parking area and the carnival, fair, or amusement attraction or device. Prior to obtaining a temporary use permit (see Sec. 2-505.C, Temporary Use Permit) for the temporary use of a parking lot, the applicant shall submit a site plan that demonstrates there will be no net loss or reduction in the number of parking spaces required for any existing principal use that relies on the off-street parking area.
 - (b) The temporary use may not be located in an off-street parking area that is nonconforming as to the number of spaces needed for the existing uses.

B. *Identified as to Purpose and Location*

Off-street parking areas and off-street loading areas shall include painted lines, wheel stops, or other methods of identifying individual parking spaces and loading berths, and distinguishing such spaces or berths from aisles. Specific dimensional and marking standards are defined in Sec. 5-204.A.4, Markings.

2. Surfacing

All off-street parking areas, as well as off-street loading areas, shall be surfaced with asphalt, concrete, brick, stone, pavers, or an equivalent hard, dustless, and bonded surface material. Use of surfacing that includes recycled materials (e.g., glass, rubber, used asphalt, brick, block, and concrete) is encouraged. These surfaces shall be maintained in a smooth, well-graded, clean, orderly, and dust-free condition.

3. Location and Arrangement

A. Safe and Convenient Access

1. Access Points

(a) Each parking area shall have distinct access points with the following dimensions, except where the Director determines that high traffic volumes or other special circumstances require modifications of these standards:

- i. A one-way access shall be at least 15 feet wide at the property line.
- ii. A two-way access shall be at least 24 feet wide at the property line.
- iii. The maximum width of an access shall be 35 feet at the property line.

(b) Access points shall not exceed a 6 percent grade for 20 feet into any lot or parcel, provided that where a pedestrian way crosses the access point, the maximum grade shall be 2 percent.

(c) Access points shall not enter a street right-of-way or easement at an angle of less than 90 degrees without the Director's approval.

2. Off-street parking and loading areas shall be arranged for convenient access between an adjacent road and all parking spaces and loading berths to facilitate ease of mobility, ample clearance, and safety of vehicles and pedestrians. Each off-street parking space and loading berth shall have adequate, unobstructed means for the ingress and egress of vehicles.
3. Off-street parking areas shall be arranged so no parking or maneuvering incidental to parking shall occur on a public road or sidewalk, except for off-street parking areas serving single-family detached and two-family dwellings.
4. Except for off-street parking areas serving single-family detached or two-family dwellings, off-street parking areas shall be arranged so an automobile may be parked or un-parked without moving another automobile, unless within an automated or mechanical parking deck or garage.
5. A maximum of a two-foot overhang is allowed from a curb or wheel stop onto a non-paved surface for all off-street vehicular parking spaces except parallel spaces. The two-foot overhang areas may not intrude onto pedestrian walkways, landscaped buffers, accessways, rights-of-way, or adjacent property not a part of the site. Off-street loading areas shall be arranged so no loading berth extends into the required aisle of a parking area.
6. In parking areas that provide more than one tier of parking spaces, pedestrian accommodations shall be provided.

B. Backing onto Streets Prohibited

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

4. Markings

A. Each required off-street parking area and space, and each off-street loading area and berth, shall be identified by surface markings that are arranged to provide for orderly and safe loading, unloading, parking, and storage of vehicles, except for parking areas serving single-family detached and two-family dwellings. Such markings—including striping, directional arrows, lettering on signs and in handicapped-designated areas, and labeling of the pavement—shall be maintained to be readily visible at all times.

- B. One-way and two-way accesses into required parking facilities shall be identified by directional arrows. Any two-way access located at any angle other than 90 degrees to a street shall be marked with a traffic separation stripe running the length of the access. (This requirement does not apply to vehicular use area (parking area) drive aisles.)

5. Drainage

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

6. Exterior Lighting

Off-street parking and loading areas shall comply with the standards of Section 5-6, Exterior Lighting Standards.

7. Landscaping

Off-street parking areas and loading areas shall comply with the standards of Section 5-4, Landscape Standards.

8. Accessible Parking for Physically Disabled

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

9. Maintained In Good Repair

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

10. Completion

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

B. Off-Street Parking Space Standards

1. Minimum Number of Off-Street Parking Spaces

- A. Development subject to the requirements of this section shall provide the minimum number of off-street parking spaces in accordance with Table 5-204.B.1: Minimum Number of Off-Street Parking Spaces.
- B. Uses with variable parking demands or unlisted uses shall comply with Sec. 5-204.B.2, Unlisted Uses.

TABLE 5-204.B.1: MINIMUM NUMBER OF OFF-STREET PARKING SPACES	
Use Type	Minimum Number of Vehicular Parking Spaces
Agricultural use	No minimum
Animal clinic	1/1,000 sf
Animal shelter	1/500 sf
Assisted living facility	1.12/du
Automatic car wash	1.5 per car stall
Automotive service station	4 per service bay plus 1 per employee
Banks and financial institutions	3/1,000 sf
Bait and tackle shop	1/400 sf
Bar	21/1,000 sf
Bed and breakfast	See Sec. 4-108

TABLE 5-204.B.1: MINIMUM NUMBER OF OFF-STREET PARKING SPACES	
Boat storage, dry	1 per 5 stalls
Boating and canoeing with no motors except electric trolling motors	No minimum
Brewpub or micro-brewery, -winery, or -distillery	10/1,000 sf of seating area
Broadcast studio, commercial radio and television	3/1,000 sf
Building contractor's storage yard	1/500 sf
Bus station	Determined by Director
Cemeteries and mausoleums	Determined by Director
Cinemas and theaters	1 per 4 seats
Clubhouse (as accessory to golf course use)	6 per hole, 14/1,000 sf
Clubs, lodges, or community-oriented associations	1/200 sf
College or university	1/500 sf, plus 1 per six seats if public use of auditorium or other place of assembly is likely
Community garden	No minimum
Community residential home	2/du
Continuing care retirement community	1.12/du, except 2.0 for each independent living du
Convenience store with gas sales or super convenience store	1/200 sf (minimum 5) (4 fuel pumps = credit for 1 parking space)
Convenience food and beverage store without gas sales	1/200 sf (minimum 5)
Convention Center or Exhibition Hall	4/1,000 sf
Counseling, nonresidential	1/250 sf
Cultural facility, noncommercial	3/1,000 sf
Day care center	2 per employee or 1/800 sf, whichever is greater
Dock	Determined by Director
Drugstore	1/250 sf
Dryclean and laundry services	1.7/1,000 sf
Dwelling, live-work	2/du
Dwelling, mobile home	2/du
Dwelling, multiple-family	2/du plus 10% additional required for visitor uses
Dwelling, single-family residence	2/du
Dwelling, student housing	1 per br 10% additional required for visitor uses
Dwelling, townhouse	2 per du 10% additional required for visitor uses
Dwelling, two-family attached	2/du
EMS, fire, or sheriff's station	1 per employee at largest shift
Emergency operations center	Determined by Director
Fishing, sport or recreational	No minimum
Food or beverage, limited service	8/1,000 sf eating area
Forest management activities	No minimum
Funeral home or mortuary	2/250 sf of chapel area
Golf Course	6 per hole
Government maintenance facility	Determined by Director
Grocery store or food market	1/350 sf; dead storage calculated at same rate
Home care facility	4.5/1,000 sf

TABLE 5-204.B.1: MINIMUM NUMBER OF OFF-STREET PARKING SPACES	
Hiking and nature study, including clearing for pedestrian boardwalks	No minimum
Hospital	1 per 2 beds, plus 1 per employee
Hotels/motels	1 per 1.2 guest rooms
Laundry, self-service	1.7/1,000 sf
Laundry services	1.7/1,000 sf
Library	2/1,000 sf
Manufacturing, assembly, or fabrication, Light	2/1,000 sf
Medical or dental lab	1/400 sf
Medical marijuana dispensary	N/A (Use not permitted in Village)
Moving and storage facility	2/1,000 sf
Nature Center	3/1,000 sf
Newspaper/periodical publishing establishment	1/4000 sf
Nursing home	1 per 3 beds or 1/500 sf, whichever is greater
Office, contractor's or general business	1/300 sf
Office, medical	1/300 sf
Outdoor education	Determined by Director
Outpatient care facilities	4.5/1,000 sf
Park, Village, County, or State	Determined by Director
Personal services group I	1/250 sf (minimum 5)
Personal services group II	3 per operator or 1/100 sf, whichever is greater (minimum 5)
Pet services	1/350 sf
Pharmaceutical manufacturing	1.75/1,500 sf
Place of worship	1 per 3 seats
Post office	1/250 sf (minimum 5)
Recreational facilities, indoor	4/1,000 sf
Recreational facilities, outdoor	Determined by Director
Recreational vehicle	1 (in addition to parking for recreational vehicle)
Recycling drop-off facility	No minimum
Religious facility	1 per 3 seats
Repair shop, household	1/250 sf (minimum 5)
Research and development laboratories	1/600 sf
Resource recovery to energy facility	1 per employee at largest shift
Restaurant, convenience	1 per 4 seats
Restaurant, fast casual or fast food	13/1,000 sf of total floor area including outdoor eating space
Restaurant, standard	12.5/1,000 sf total floor area including outdoor eating area
Retail sales	1/400 sf
Satellite earth stations and amateur radio antennas	1 when used as a primary use
Schools, elementary, middle and high	Public: As required by state law Private HS: 1 per employee plus 1 per 10 students Private elementary school: 1 per employee plus 1 per 40 students
Self storage	1 per 25 storage units (minimum 5)
Showroom, wholesale	2/1,000 sf
Tattoo or body piercing establishment	1/300 sf
Tobacco shop	1/250 sf (minimum 5)
Training and rehabilitation	1/350 sf

TABLE 5-204.B.1: MINIMUM NUMBER OF OFF-STREET PARKING SPACES	
Utility, major	1 per employee at largest shift
Utility, minor	Determined by Director
Vehicle and boat rental and sales	1/700 sf (minimum 5); dead storage: 1/1,500 sf
Vehicle and boat repair and maintenance	1/700 sf
Vocational or trade school	Private: Determined by Director Commercial: 2/100 sf classroom floor area
Warehouse	1/2,000 sf
Wildlife management and game reserves	Determined by Director
Wireless Telecommunications	1

2. Unlisted Uses

An applicant proposing to develop an unlisted use shall meet the minimum parking requirement in Table 5-204.B.1: Minimum Number of Off-street Parking Spaces, for the use most similar to that being requested, subject to the discretion of the Director.

3. Multiple Uses

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

4. Maximum Number of Off-Street Parking Spaces

- A. Except as provided in paragraph C below, for any commercial use, the maximum number of off-street parking spaces shall not exceed 125 percent of the minimum number of parking spaces required for that use, except as allowed at the discretion of the Director.
- B. Except as provided in paragraph C below, for any mixed-use development located in the areas identified as Town Center or Transitional Mixed Uses on the FLUM of the comprehensive plan, the maximum number of off-street spaces shall not exceed 115 percent of the computed minimum requirements, except that parking spaces in excess of that amount may be allowed for general public use or made available for sharing with other uses not associated with the development.
- C. Parking spaces in excess of the maximum allowed by this subsection may be provided if grass is used as the parking surface. The grass surface shall be maintained in good repair in accordance with Sec. 5-204.A.9 above.

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 parking spaces and less than 150 parking spaces shall provide at least one EV charging station.
- C. An off-street parking area with 150 or more parking spaces shall provide at least three EV charging stations.

6. Driveways Used to Satisfy Standards

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

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

C. Dimensional Standards for Parking Spaces and Aisles

1. General

Standard vehicle parking spaces and parking lot aisles shall comply with the minimum dimensional standards established in Table 5-204.C: Dimensional Standards for Parking Spaces and Aisles, which references the illustration in . Figure 5-204.C: Measurement of Parking Space and Aisle Dimension.

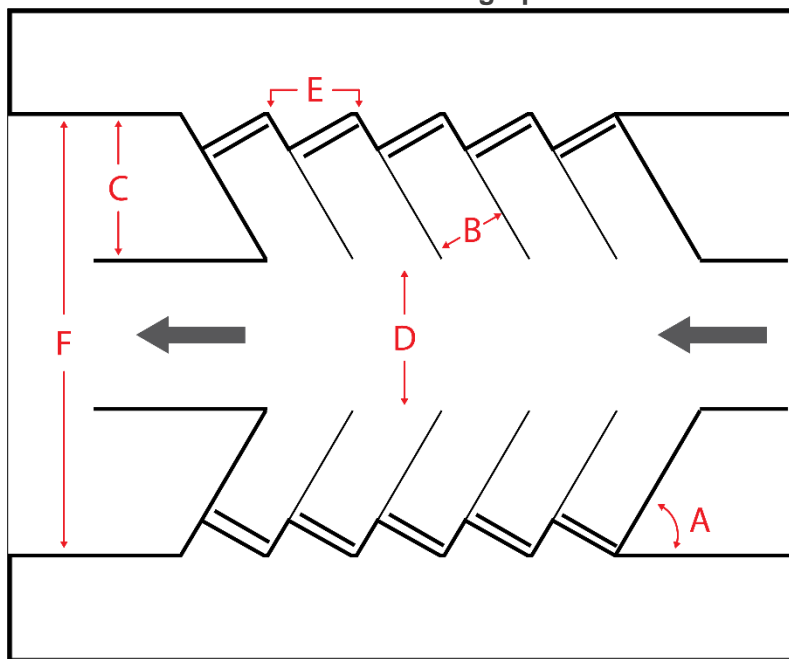
TABLE 5-204.C: DIMENSIONAL STANDARDS FOR PARKING SPACES AND AISLES					
Parking Angle (degrees)	Stall Width (ft)	Stall Depth Perpendicular to Curb (ft)	Aisle Width (ft) [1]	Stall Length along Curb (ft)	Double Row + Aisle, Curb to Curb (ft) [2]
A	B	C	D	E	F
(Parallel Parking)	8	8	12 (20)	22	28 (36)
30	8.5	17	12 (22)	17	48 (58)
45	8.5	19	12 (22)	12	50 (60)
60	8.5	20	18 (24)	9.8	58 (65)
90	9	18	22 (24)	9	58 (60)
(Golf Cart Parking)	5	8			

NOTES:

[1] Required width for one-way travel listed first; required width for two-way travel listed second, in parentheses. The Director may approve an aisle width less than the minimum on determining that the aisle is sufficiently wide to allow vehicles to conveniently maneuver through the parking area and access each parking space without driving through any other parking space.

[2] Distance with one-way travel aisles listed first; distance with two-way travel aisles listed second, in parentheses.

FIGURE 5-204.C: Measurement of Parking Space and Aisle Dimension



2. Vertical Clearance

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

3. Cart Amenities

The minimum required parking for a use may be reduced by one space for every two designated golf cart spaces, up to a maximum reduction of 10 percent of the total number of spaces required by Table 5-204.B.1: Minimum Number of Off-street Parking Spaces, if:

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

5-205. BICYCLE PARKING STANDARDS

A. Minimum Required Bicycle Parking

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

1. Bicycle parking spaces equal to five percent of the off-street vehicular parking spaces required to be provided in accordance with Table 5-204.B.1: Minimum Number of Off-Street Parking Spaces, up to 500 vehicular parking spaces; and
2. Four additional bicycle parking spaces for every 500 vehicular parking spaces in excess of 500.

B. General Bicycle Parking Space Standards

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

5-206. LOADING AREA STANDARDS

A. Applicability

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

B. Access

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

C. Lighting, Maintenance, and Drainage

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

D. Other Use of Loading Areas

Off-street loading areas shall not be used for the sale, repair, dismantling, or servicing of any vehicles or equipment except on an emergency or temporary basis or in accordance with Sec. 5-204.A.1, Use of Parking and Loading Areas.

E. Screening

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

F. Off-Street Loading Area Requirements

1. General

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

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

2. Design Requirements

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

- A. Each loading area shall be located on the lot or parcel it serves;
- B. Surfaced portions of loading areas, excluding driveways, shall be set back 20 feet from right-of-way lines and ten feet from property under separate ownership or control; and
- C. Loading areas may not obstruct, hinder, or endanger the movement of vehicles and pedestrians.

3. Dimensional Requirements

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

G. Number of Spaces

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

SECTION 5-3. MOBILITY AND CONNECTIVITY STANDARDS

5-301. PURPOSE AND INTENT

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

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

5-302. APPLICABILITY

A. Developer Responsibility for Improvements

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

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

B. Circulation Plan

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

C. Timing of Construction

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

D. Additional Standards

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

5-303. MULTIMODAL TRANSPORTATION SYSTEM

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

5-304. VEHICULAR ACCESS AND CIRCULATION

A. Vehicular Access and Management

1. *Management of Access to Roads*

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

A. *Connection Separation*

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

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

2. *Measurement of Separation Distance*

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

3. Driveways to a single residential building of two dwelling units or less on local roads may be spaced closer than the connection spacing requirements specified in Table 5-304.A.1.A.

B. *Functional Classification*

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

C. *Limitation on Direct Access for Residential Lots*

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

D. *Limitation on Access Via Local Streets*

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

E. *Additional Access Rules*

1. Any development order shall contain appropriate conditions requiring all roads to which the project proposes access to be constructed or improved to meet the standards in this section, in particular Sec. 5-310, Design Standards and Requirements.
2. Improvements to offsite roads necessary to provide access to the project shall extend, at minimum, from the project's access point to the point at which the road connects to a County, Village, or privately maintained road meeting the standards in Sec. 5-310, Design Standards and Requirements.
3. Access roads intersecting another road that also intersects the parallel arterial or collector shall have an outer separation of at least 125 feet from the edge of pavement of the arterial or collector.
4. Existing corner commercial parcels on an arterial road are permitted a right-in/right-out connection at a minimum of 330 feet from the intersecting public road, if the parcel is not large enough to provide standard spacing, and if the owner agrees to shared access with the adjoining property. If shared access on the arterial road is not practical, the connection may be right-out only, if downstream of the nearby intersection; and right-in only, if upstream of the nearby intersection. Any property so small that this minimum cannot be met will be granted a temporary right-in/right-out connection on the arterial road or one temporary single direction connection on each of the roads as described above, to be used until an access road is provided. Lot splits and subdivisions will not be allowed on corner lots that cause new parcels to be too small to meet the minimum connection separation standards in Table 5-304.A.1.A: Connection Separation, unless the property owner provides an alternative form of access to the new corner parcel.
5. Existing corner commercial parcels on a collector road are permitted a right-in/right-out connection at a minimum of 245 feet from the intersecting public road if the parcel is not large enough to provide standard spacing, and if the owner agrees to shared access with the adjoining property. If shared access on the collector road is not practical, the connection may be right-out only, if downstream of the nearby intersection; and right-in only, if upstream of the nearby intersection. Any property so small that this minimum cannot be met will be granted a temporary right-in/right-out connection on the collector or one temporary single direction connection on each of the roads as described above, to be used until an access road is provided. Lot splits and subdivisions will not be allowed on corner lots that cause new parcels to be too small to meet the minimum connection separation standards in Table 5-304.A.1.A: Connection Separation, unless the property owner provides an alternative form of access to the new corner parcel.
6. Approval of connection locations along multi-lane divided roads, or along roads identified in plans as multi-lane divided roads, does not guarantee that the connection is permitted a crossover through the median divider. In these instances, approval of the median opening or turning movement will be determined on a case-by-case basis. The purpose of this subsection is to make it clear that even though a parcel may be entitled to access to the Village road system, there is no entitlement to a median opening or left-in movement in conjunction with an approved access point.
7. Development shall not cause traffic hazards or congestion that results from narrow or poorly aligned roads or from excessive exit and entrance points along arterial and collector roads.
8. Ingress and egress areas shall be of sufficient width to provide for servicing of utilities, refuse collection, and access for emergency vehicles.
9. The Village retains the right and authority to modify or restrict access, turning movements, median openings, and use of traffic control devices on or affecting Village rights-of-way as it deems necessary to address operational and safety issues. This provision is applicable to existing as well as future development in the Village.

2. *Turn lanes*

- A. Access to roads or accessways shall not be permitted unless turn lanes are constructed by the applicant where turning volumes make such improvements necessary to protect the health, safety, and welfare of the public or to reduce adverse traffic impacts on the adjacent

road system. Turn lanes shall be designed in accordance with standards in this LDC and the Administrative Manual.

- B. Wherever turn lanes are installed, the surface materials of the added lanes shall match the surface materials of the existing lanes. If the addition of a turn lane requires a lateral shift of the centerline or other lanes, the entire pavement area shall be re-surfaced to create matching surfaces throughout. New and replacement pavement markings shall be provided.
- C. On arterial or collector roads with restrictive medians where an access road is not otherwise required, existing parcels with insufficient road frontage to meet the minimum connection spacing required in Table 5-304.A.1.A: Connection Separation, may be required to provide a continuous right-turn lane on the adjacent arterial or collector road.

3. *Required Road Access*

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

4. *Development Entry Points*

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

5. *Privately Maintained Roads*

- A. Privately maintained roads may be permitted and approved if they meet each of the following standards:
 - 1. They comply with the road design standards and the road construction specifications of this LDC, including reservation of right-of-way for utility services; and
 - 2. The appropriate notation is made on the development order, limited development order, or the plat, as applicable, to identify it as a private road.
- B. A legally responsible organization (i.e. homeowners association, special district, etc.) is established to maintain the private roads. Documents to assure private responsibility of future maintenance and repair by a homeowners association or similar entity shall be approved as to form by the Director and Village Land Use Attorney.

- C. A private road maintenance agreement, satisfactory to the Director and the Village Land Use Attorney, shall be recorded by the developer and/or property owner(s) in the public records of Lee County. The agreement shall:
 1. Specify lot owners' responsibilities for maintenance of private roads and drainage systems, and provide for assessments to finance all maintenance activities; and
 2. For gated or controlled access subdivisions, specify the method by which continuous accessibility to subdivision lots for the provision of public service and emergency vehicles will be provided.

6. *Reservation of Future Rights-of-Way*

The comprehensive plan includes Map TR-4 which identifies future road projects and their projected cross-sections. Development is encouraged to be set back from the rights-of-way shown on Map TR-4 to accommodate future road construction plans. Developers are encouraged to voluntarily dedicate these rights-of-way.

7. *Emergency Access*

Development shall be designed to allow for adequate access by emergency vehicles.

B. Vehicular Road Connectivity

1. *External Street Connectivity*

A. *General*

Road layouts of new developments shall be designed to integrate with and continue the existing road layout outside the development, and to provide for future extension of the development's road network to provide the maximum number of interconnections and points of ingress and egress.

B. The arrangement of roads in a development shall provide for the alignment and continuation of existing roads to provide access to:

1. Adjacent developments and subdivisions platted for such connections; and
2. Adjacent lands where the adjacent lands are undeveloped and deemed appropriate for future development.

C. A road connection or stub shall be provided for development where practicable and feasible in each direction (north, south, east, and west) for development that abuts vacant lands.

D. Except for residential subdivisions, at all locations where roads terminate with no road connection but a future connection is planned or accommodated, a sign shall be installed with the words "FUTURE STREET CONNECTION" to inform land owners.

E. The final plat (see Section 5-9, Plat Standards) shall identify all stub streets and include a notation that all street stubs are intended for connection with future roads on adjoining lands.

F. Stub streets that exceed 150 feet in length shall include a temporary turn-around. When adjoining lands are subsequently developed, the developer of the adjoining land shall pay the cost of extending the road and restoring it to its original design cross section.

G. All roads proposed for dedication to the public shall be indicated on the development order, limited development order, or plat, as appropriate, and shall connect to or be an extension of an existing public road.

2. *Shared Access to Public Streets*

A. Shared access between adjoining lots is encouraged and, in the case of lot frontages that cannot be served individually due to the access spacing requirements in Table 5-304.A.1.A: Connection Separation, may be required to limit direct vehicular access along streets.

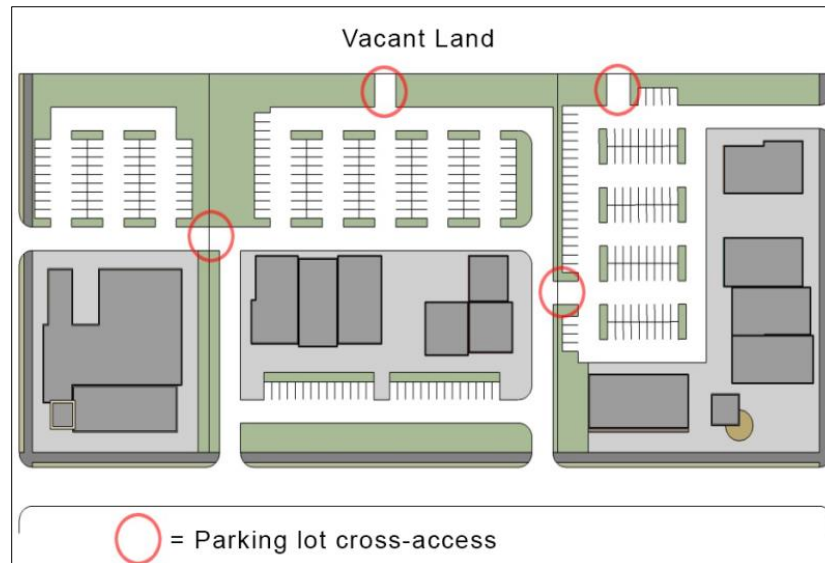
B. To ensure the development will have perpetual access to the site, easements allowing cross-access to and from lands served by a shared access, along with agreements defining maintenance responsibilities of land owners, shall be recorded in the public records of Lee County before issuance of a development order for the development proposing the shared access. Such easements shall stipulate that both owners shall share in the costs and responsibility of maintaining the access easement.

3. Cross-Access Between Adjoining Developments

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

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

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



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

C. Vehicle Stacking Space for Drive-through and Related Uses

1. Required Number of Stacking Spaces

- A. In addition to meeting the off-street parking standards in Table 5-204.B.1: Minimum Number of Off-Street Parking Spaces, uses with drive-through facilities and other auto-oriented uses where vehicles queue up to access a service facility shall comply with the minimum number of stacking spaces established in Table 5-304.C: Minimum Stacking Spaces for Drive-through Facilities and Related Uses.

TABLE 5-304.C: MINIMUM STACKING SPACES FOR DRIVE-THROUGH FACILITIES AND RELATED USES		
Use or Activity [1]	Minimum Number of Stacking Spaces	Measured From
Automatic car wash	5 per tunnel	Entry to car wash tunnel
Bank or financial Institution, with drive-through service, or automated teller machine (ATM) as an accessory use	5 per lane	Teller window or teller machine
Car wash	1 per service stall (minimum 5)	Bay entrance
Personal vehicle repair and maintenance, specifically with oil change/lubrication shop	1 per bay (minimum 5)	Bay entrance
Restaurant, convenience, fast food, with drive-through service [2]	5 per lane	Order box
Other	5 per lane	

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

2. Design and Layout

Required stacking spaces shall:

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

D. Local Road Traffic-Calming Measures

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



5-305. PEDESTRIAN ACCESS AND CIRCULATION

A. Required Pedestrian Access

1. General Pedestrian Access

All new development, except the development of an individual single-family dwelling or two-family dwelling on an individual lot, shall be served by an internal pedestrian circulation system (including sidewalks, pedestrian paths, and/or trails) that permits safe, convenient, efficient, and orderly movement of pedestrians among the following origin and destination points within the development, as well as between the adjoining parts of an existing or planned external, community-wide pedestrian circulation system and any adjoining transit stops, public parks, greenways, schools, and shopping areas:

- A. The primary entrance(s) of principal buildings (or the buildable area of lots for subdivisions), including any outparcels;
- B. Off-street parking bays;

- C. Any designated or planned transit stations or bus stops and shelters (on-site or on an adjacent road); and
- D. Recreation facilities and other common use areas and amenities.

2. Sidewalks Required

- A. Development is required to install sidewalks (see street cross-section in Appendix D: Illustrations and Cross-Sections):
 - 1. On both sides of all roads within commercial development;
 - 2. On one side of all roads within residential subdivisions;
 - 3. Along all roads that connect the development to existing public roads; and
 - 4. Along existing roads along the entire frontage of the development site and project frontage roads (unless an existing sidewalk meeting Village standards is already in place).
- B. Residential development shall install sidewalks along existing roads up to ¼ mile (measured along the principal perimeter street) from the development where the sidewalk would:
 - 1. Connect to a pedestrian generator such as schools, parks, playgrounds, shopping centers, employment centers, or transit facilities; or
 - 2. Connect to an existing or proposed sidewalk shown on the Bicycle and Pedestrian Master Plan;
- C. Where a development site fronts an existing road with insufficient right-of-way width to accommodate installation of a required sidewalk along the frontage, the landowner/developer shall install a sidewalk on the development site within a dedicated widening of the right-of-way or dedicated public easement running parallel and adjacent to the public road.
- D. All new development shall upgrade or replace sidewalks that do not meet Village standards.
- E. Sidewalks constructed in accordance with this section shall comply with the following standards:
 - 1. The minimum width of the sidewalk shall be six feet on Village, County, and state-maintained road frontages, and five feet elsewhere.
 - 2. Where practicable, a minimum three-foot wide strip shall be provided between the road and the sidewalk.
 - 3. A planting strip with street trees may be provided behind the sidewalk.
 - 4. A minimum four-foot wide passage clear of obstacles shall be maintained within the entire sidewalk. If it is impossible to meet this standard along the entire sidewalk due to natural features or other site constraints, or for other reasons deemed acceptable by the Director, the sidewalk shall include a passing space of at least five feet long by five feet wide every 200 linear feet along the section that does not meet the four-foot passage standard.
 - 5. Where the applicant proposes to widen an existing road that includes a sidewalk and the sidewalk exceeds the minimum standards of this subsection regarding width and clear passage, the replacement sidewalk shall meet the minimum standards of the existing sidewalk.
 - 6. The sidewalk shall meet the accessibility standards of the Americans with Disabilities Act.
 - 7. Curb ramps are required at all intersections with road curb and gutter.
- 8. **Construction Requirements**
 - (a) Except as provided in subsection (b) below, the sidewalk shall be constructed in accordance with the following specifications:
 - i. Four-inch thick Portland cement concrete (in which case all driveway crossings shall be a minimum of six inches thick); or
 - ii. A minimum of 1.5-inch asphaltic concrete of FDOT type S-III on a four-inch limerock base and six-inch type B sub-grade.

- (b) The applicant may submit an alternative design, subject to the approval of the Director, provided it is structurally equal to or better than the options set forth in this subsection.

B. Pedestrian Connectivity

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

C. Pedestrian Walkway Requirements

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

5-306. BICYCLE ACCESS AND CIRCULATION

A. Required Bicycle Access

1. Internal and Adjoining Bicycle Access

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

- A. Bicycle parking facilities required by Sec. 5-205, Bicycle Parking Standards, in areas near the primary entrance(s) of principal buildings;
- B. Connections to any adjacent existing or planned on-street or off-street bicycle facilities outside the development (including facilities in the comprehensive plan or the Bicycle and Pedestrian Master Plan) or internal bicycle systems in adjacent developments;
- C. Connections to any designated or planned transit stops and shelters (on-site or on an adjacent road); and

- D. Connections to any recreational amenities internal to the development, such as open space set-asides.

2. Required Bikeway Network Improvements

- A. Commercial and multi-family development shall install bike lanes, bike paths, or other bicycle improvements included in the comprehensive plan or the Bicycle and Pedestrian Master Plan.
- B. All new residential development shall install bikeways up to ¼ mile (measured along the principal perimeter street) from the development where the bikeway would connect to an existing or proposed bikeway shown on the Bicycle and Pedestrian Master Plan;
- C. Additional bikeway network improvements are encouraged where appropriate, such as within large development sites and to provide additional connections to nearby bicycle routes. Establishment of the facilities shall include an agreement and/or easements which provide assurances for their continued maintenance.
- D. Where a development site fronts an existing road with insufficient right-of-way width to accommodate installation of a required bike path along the frontage, the applicant may install a bike path on the development site within a public easement running parallel and nearby the public road. Such bicycle paths shall not be restricted from public use and shall allow physical passage at all times.

B. Bicycle Connectivity Between Developments

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

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

C. Bikeway Layout and Design

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

5-307. TRANSIT ACCESS AND CIRCULATION

A. Required Transit Facilities

- 1. A residential development with more than 100 dwelling units, and any commercial development with less than 30,000 square feet of total floor area, shall be subject to the following requirements:
 - A. If a bus stop is within ¼ mile of the vehicular entrance to the property, measured by the existing pedestrian access to the stop, a paved pedestrian walkway or sidewalk shall be constructed to the nearest bus stop.
 - B. If there is no bus stop within ¼ mile of property, measured by the existing pedestrian access, but the property abuts either an existing bus route or a future bus route identified in the comprehensive plan, the developer shall provide signage and a bicycle rack for a new bus stop at a location designated as a future bus stop by the Director in consultation with the relevant transit agency.

2. A residential development with more than 500 units, and any commercial establishment with 30,000 square feet or more of total floor area, shall be subject to the following requirements:
 - A. If a bus stop is within $\frac{1}{4}$ mile of the vehicular entrance to the property, measured by the existing pedestrian access to the stop, a paved pedestrian walkway or sidewalk shall be constructed to the nearest bus stop, and a bicycle storage rack that meets the standards of Sec. 5-205.B, General Bicycle Parking Space Standards, and supports at least two bicycles shall be provided.
 - B. If there is no bus stop within $\frac{1}{4}$ mile of the vehicular entrance to the property, measured by the existing pedestrian access, but the property abuts either an existing bus route or a future bus route identified in the comprehensive plan, the developer shall provide the following, at a location designated as a future bus stop by the Director and in consultation with LeeTran:
 1. A pedestrian walkway or sidewalk with adequate lighting to the future bus stop;
 2. A concrete pad that meets the current standards of the Village or the FDOT Transit Facilities Design office and LeeTran, as applicable;
 3. A bus pull-out area that meets the current standards of the Village or FDOT and LeeTran, as applicable; and
 4. A bus shelter.

B. Waiver

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

- C. Developments are encouraged to accommodate the use of public transportation vehicles on primary roads within the development.

5-308. TRAFFIC IMPACT STUDY (TIS)

A. Purpose

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

B. Requirement

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

C. Required Elements of Study

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

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

D. Approval Required

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

5-309. TRAFFIC IMPACT STUDY MITIGATION PLAN

A. Plan Required

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

B. Purpose

The purpose of the TIS Plan is to:

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

C. Requirements

The TIS Plan shall comply with the following standards:

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

D. Required as Condition of Development Order

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

5-310. DESIGN STANDARDS AND REQUIREMENTS

- A.** All roads and bridges shall be designed, constructed, and improved in accordance with the specifications set out in this Appendix C: General Road Specifications, as well as the other requirements of this section. Any deviations from the standards in this section shall comply with the standards and criteria established by FDOT in the Florida Greenbook with consideration of the FDOT Plans Preparation Manual, and are subject to review by the Director. Road design illustrations and cross-sections are included in Appendix D: Illustrations and Cross-Sections.

- B. In addition, the following standards and criteria shall apply: American Association of State and Highway Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, as modified by the FDOT Florida Greenbook, FDOT Design Standards, FDOT Drainage Manual and FDOT Standard Specifications, current editions, with supplements, and such other applicable publications, editions, and amendments as may be adopted by FDOT, and sound engineering principles.
- C. Construction on State facilities shall be done in accordance with applicable State statutes and regulations.

5-311. LIABILITY INSURANCE REQUIREMENT

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

5-312. MAINTENANCE

A. Facilities Constructed within Village Right-of-Way

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

B. Facilities Constructed within Easement Granted to the Village

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

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

C. Facilities along Frontage Roads

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

D. Facilities along Private Roadways

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

SECTION 5-4. LANDSCAPE STANDARDS

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;
 2. Provide trees for shade and heat and glare reduction;
 3. Support soil erosion control and water conservation;

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

5-402. APPLICABILITY

A. General

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

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

B. Exemptions

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

5-403. PLANT PALETTE AND MATERIAL STANDARDS

A. Plant Suitability

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

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>
Woman’s tongue	<i>Albizia lebbek</i>	Melaleuca, paper tree	<i>Melaleuca quinquenervia</i>
Bishopwood	<i>Bischofia javanica</i>	Downy rose myrtle	<i>Rhodomyrtus tomentosus</i>

TABLE 5-403.A.2: PROHIBITED INVASIVE EXOTIC PLANTS			
Common name	Scientific name	Common name	Scientific name
Australian pines	<i>All Casuarina species</i>	Chinese tallow	<i>Sapium sebiferum</i>
Carrotwood	<i>Cupianopsis anacardioides</i>	Brazilian pepper, Florida holly	<i>Schinus terebinthifolius</i>
Rosewood	<i>Dalbergia sissoo</i>	Tropical soda apple	<i>Solanum viarum</i>
Air potato	<i>Dioscorea alata</i>	Java plum	<i>Syzygium cumini</i>
Murray red gum	<i>Eucalyptus camaldulensis</i>	Rose apple	<i>Syzygium jambos</i>
Weeping fig	<i>Ficus benjamina</i>	Cork tree	<i>Thespesia populnea</i>
Cuban laurel fig	<i>Ficus microcarpa</i>	Wedelia	<i>Wedelia trilobata</i>
Japanese Climbing fern	<i>Lygodium japonicum</i>		

B. Plant Material Standards

Plant materials installed in cultivated landscapes shall comply with the following standards:

1. Quality

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

2. Native varieties

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

3. Trees and Palms

All required trees shall be a minimum 12-foot in height measured from the adjacent grade of the development site, with a six-foot spread and three-inch caliper 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-foot spread, 3-inch caliper	10 feet of clear trunk
Clear trunk adjacent to walkways, bike paths, and right of ways	8 feet of clear trunk	10 feet clear trunk
Clearance from light poles and buildings	15 feet	8 feet
Clearance from hardscapes	6 feet	4 feet
Root barrier	Required within 10 feet of hardscape or utility	n/a

4. Measurement of Height

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

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 be spaced 18 to 36 inches on center. They shall be at least 36 inches (60 inches for type F Buffers) in height within 12 months of time of planting, and maintained in perpetuity at a height of no less than 36 inches (60 inches for Type F Buffers). Shrubs shall provide 18-inch clearance from hardscapes and 36-inch clearance from buildings.

6. Mulch Requirements

A two-inch minimum layer, after watering-in, of mulch or other recycled materials shall be placed and maintained around all newly installed trees, shrubs, and groundcover plantings. Each tree

shall have a ring of mulch no less than 24 inches beyond its trunk in all directions. The use of cypress mulch is strongly discouraged.

5-404. TREE PRESERVATION

A. Purpose

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

B. Applicability

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

C. Exemptions

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

- G. The removal of trees “worthy of preservation” on the premises of a licensed plant or tree nursery or tree farm where such trees are intended for sale in the ordinary course of the licensee’s business.
- H. Land used for bona fide agricultural purposes that meets the standards of or has been designated as wetlands.

D. Suspension

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

E. Tree Protection During Development of Land

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

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.
- B. The plan must include a planting plan for understory vegetation. Understory vegetation must be restored to the area from which protected trees were unlawfully removed or mutilated. The plant selection must be based on that characteristic of FLUCFCS. Shrubs, ground cover, and grasses must be restored as delineated in FLUCFCS. Up to seven species may be utilized with relative proportions characteristic of those in FLUCFCS. The exact number and type of species required must also be based upon the existing indigenous vegetation on adjacent property. Replacement stock must be no less than one-gallon-sized nursery-grown containerized stock planted at no less than three feet on center in the area from which protected trees were unlawfully removed or mutilated. This area must be defined by the dripline of the trees. The number of shrubs must not exceed, but may be less than, 25 shrubs per tree unlawfully removed or mutilated. The understory of the restored site must be protected for a period of no less than ten years, unless its removal is a provision of a development order which has been approved after the restoration of the site.
 - C. If the unlawful removal or mutilation of trees has caused any change in hydrology or surface water flows, then the hydrology or surface water flows must be restored to pre-violation condition.
2. Massing of replacement stock will be subject to agreement of the parties or if appropriate then by the Special Magistrate, as long as the minimum number of trees and/or seedlings are provided. Replacement stock, with the exception of palms, shall be Florida No. 1 or better grade. Replacement stock shall have a guaranteed 80 percent survivability for a period of no less than five years. A maintenance provision of no less than five years must be provided in the restoration plan to control invasion of exotic vegetation. Replacement stock may not be located on any property line, underground utility, or county easement. The Director may at his/her discretion allow the replacement stock to be planted off-site where approved development displaces areas to be restored. In these situations, off-site plantings shall be on lands under the control of a public agency. The off-site location is subject to the approval of the Director.
 3. In the event of impending development on property wherein protected trees were unlawfully removed, the restoration plan shall indicate the location of the replacement stock consistent with any approved plans for subsequent development. For the purposes of this section, impending development shall mean that a developer has made application for a preliminary development order or applied for a building permit.
 4. If identification of the species of trees is impossible for any reason on property wherein protected trees were unlawfully removed, then a presumption is raised that the trees illegally removed were of a similar species and mix as those found on adjacent properties.
 5. A monitoring report shall be submitted to the Director on an annual basis for five years describing the conditions of the restored site. The monitoring report shall be submitted on or before each anniversary date of the effective date of the restoration plan. Mortality estimates per species planted, estimated causes for mortality, growth of the vegetation, and other factors which would indicate the functional health of the restored systems shall be included in the monitoring report. Failure to submit the report in a timely manner shall constitute a violation of this section. When mitigation is required pursuant to this section, monitoring reports are necessary to ensure that the mitigation efforts have been successful. In order to verify the success of the mitigation efforts and the accuracy of the monitoring reports, periodic inspections by Village staff are necessary. In order that the Village be compensated by the violator for the costs of these periodic inspections of the restored site by Village staff, a schedule of inspection fees shall be established by the Village Council.

5-405. GENERAL TREE AND STREET TREE STANDARDS

A. Purpose

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

B. General Tree Standards

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

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

C. Offsets and Credits

1. Credits

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

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

- A. A tree location plan shall be submitted when general trees located within a designated preserve are being claimed for credit. The tree location plan shall include specific information about all trees that are being preserved for credit within the entire development footprint. In addition, the tree location plan shall: (1) be at the same scale as the site plan for the development order or limited development order, as applicable; (2) show the location of trees to be saved; (3) state the caliper for each tree (three-inch minimum caliper measured at four and one-half feet above ground level); and (4) identify the species of each tree.

- B. Except for prohibited invasive exotic species as identified in Table 5-403.A.2: Prohibited Invasive Exotic Plants, above, every consideration shall be given to retaining as much of the existing plant material on a site as possible.
- C. Each existing indigenous native tree preserved in place, which has a trunk diameter of four inches or greater measured at four and one-half feet above the ground (dbh), shall receive a credit of five trees against the general tree standards. Native palms preserved in place that are eight feet or greater from ground level to base of fronds shall receive a credit of three trees. Existing sabal palms that are relocated onsite shall be given a two tree credit. Credits for existing trees may not be used to reduce the required canopy trees required in parking areas. Existing native trees in buffers may be used for credit provided they occur within the required buffer segment.
- D. Credits shall apply only when the trees are labeled as protected-credit trees. If the protected-credit trees die within three years from the date a certificate of compliance is issued for the development, they shall be replaced by the number of trees for which credit is given.
- E. Credits shall apply where the preserved tree is in a barricaded area that is at least two-thirds the radius of the crown spread of the credited tree measured from the trunk center, except in no case may this area radius be less than two and one-half feet. For indigenous native pine trees, the barricaded area may be no less than the full crown spread of the tree, unless other measures such as tie-walls or special slope treatment are constructed for additional protection. Prior to the land clearing stage of development, the owner, developer, or agent shall erect protective barriers that are at a minimum made of a three-foot high silt fence, a three-foot high orange construction fence, or approved alternative barricading material. For all native, indigenous open space areas, including shrubs and ground cover, barricades shall be erected around the perimeter of the vegetation. The owner or developer or an agent shall not cause or permit the movement of equipment or the storage of equipment, material, debris, or fill within the required protective barrier. The protected trees shall be alive and healthy at the end of the construction for the credit to apply.

2. *Larger Trees*

General tree standards may be reduced by up to 50 percent through the planting of larger trees. Larger trees are at least four inches in diameter at 12 inches above the ground and at least 16 feet in height at the time of planting.

3. *Alternative Landscape Betterment Plan*

General tree standards may be reduced through approval of an alternative landscape betterment plan. Alternative, creative designs are encouraged for difficult sites for landscape design, including but not limited to infill developments, existing developments, and irregularly shaped parcels. The approval of the alternate landscape betterment plan shall be reviewed and approved by the Director, and may include conditions to ensure that the overall landscape design complies with the intent of this section. An alternative landscape betterment plan shall comply with the following standards:

- A. The plan shall not deviate from the minimum open space requirements of this LDC.
- B. The plan shall be labeled as an alternate landscape betterment plan, and delineate, identify, and locate all changes to the requirements of this section.
- C. One hundred (100) percent of the required trees installed shall be native species.
- D. The plan shall designate the location of all plant material to be installed.
- E. The plan shall exceed the intent of the minimum landscape standards.
- F. Any changes to an approved plan shall be reviewed as a minor change.

4. *Street Trees*

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

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

5-406. PERIMETER BUFFERS

A. Purpose

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

B. Perimeter Buffer Standards

1. Buffers Required

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

2. Use Categories

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

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

3. Buffer Type

Table 0: Buffer Types (Per 100 Linear Feet), establishes the required composition and dimension of the different buffer types required by this subsection.

TABLE 0: BUFFER TYPES (PER 100 LINEAR FEET) [1]						
Standard	Buffer Types					
	A	B	C	D	E	F
Minimum Width in Feet	Five	15	20	20	30	50
Minimum Number of Trees (per 100 linear feet)	Four	Five	10	Five [4]	10	15
Minimum Number of Shrubs (per 100 linear feet)	—	Hedge [3]	30	Hedge [3]	30	Hedge [3]
Wall Required [2]	—	—	Eight feet in height, solid fence	—	Eight feet in height, solid fence	—

NOTES

- [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.

4. Buffer Type Required

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

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

NOTES

[1] Commercial projects that are part of mixed-use developments are not required to provide buffers between uses within the project. They are required to provide buffers adjacent to development and adjacent lands on the perimeter of the project.

[2] Type “A” buffers required between commercial uses shall be designed to allow for pedestrian, bicycle, and automobile connections through adequate spacing between required trees. Palms may be used where COM abuts COM on a 1:1 basis, if they are clustered as defined.

[4] All Residential Planned Developments adjacent to I-75 are required to plant a buffer 40 feet in width that shall contain 15 trees, 50 shrubs, and 60 ground cover plants per 100 linear feet. If a berm is constructed, the 40-foot setback shall include a minimum of eight feet from the toe of the berm to the right-of-way to allow for both state and private property maintenance of the edge of the right-of-way and for maintenance of the berm.

[5] The required buffer shall be 100 percent native.

[6] Parking areas located along public rights-of-way shall be adequately screened from pedestrian and vehicular travel along the fronting road with a continuous wall, hedge, or combination, with a minimum height of three feet.

5-407. BUILDING PERIMETER PLANTING STANDARDS

A. Purpose

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

B. Applicability

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

C. Building Perimeter Planting Standards

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

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 feet wide. These enlarged perimeter planting areas shall include trees, shrubs, and ground cover plants with a minimum of four trees per 100 linear feet of building and 50 percent coverage of the landscape area at the time of planting. The trees placed around the building shall be applied to the general tree requirement. Trees may be installed in clusters and do not need to be located within a 100 linear foot segment. Clusters of trees at the corners of buildings or framing entrances are especially effective. Trees and shrubs shall comply with the size requirements of this subsection. Groundcover plants shall be a minimum one-gallon container size. Taller palms (16-to 20-foot clear trunk) shall be used when building height is greater than 35 feet. Turfgrass is discouraged and is limited to ten percent of the landscape area. Water management areas shall not be a part of this enlarged planting area.

E. Wall and Trellis

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

5-408. OPEN SPACE AND STORMWATER MANAGEMENT AREAS

A. Purpose

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

B. Applicability

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

C. Open Space Standards

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

TABLE 5-408.C: OPEN SPACE STANDARDS		
Type of Development	Open Space as Percentage of Development Area [1]	
	Small Project [2]	Large Project [2]
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
Other: All other uses including, but not limited to commercial, industrial, places of worship, recreational vehicle parks, community facilities, schools (excluding Lee County School District schools), etc.	30	40

TABLE 5-408.C: OPEN SPACE STANDARDS		
Type of Development	Open Space as Percentage of Development Area [1]	
	Small Project [2]	Large Project [2]
Planned Developments	30	40
NOTES: [1] Multiple use sites with conventional zoning shall comply with each corresponding use percentage in this table. [2] A Large project is ten acres or more in land area or two acres or more in impervious area.		

D. Open Space Calculation

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

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

E. Open Space Designation Priorities

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

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

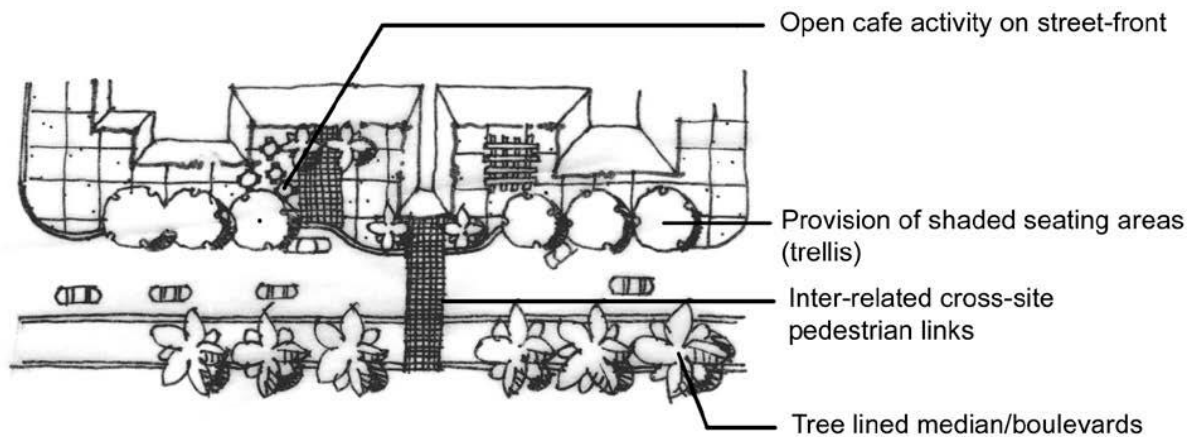
F. Native and Indigenous Vegetation

1. Where indigenous and native vegetation is located onsite, every consideration shall be given to retaining as much of the existing plant material as possible. A minimum of 50 percent of the required open space shall be met with onsite preservation of indigenous and native vegetation. Indigenous and native vegetation preserve areas shall be a minimum of 20 feet from buildings. For indigenous plant communities subject to fire, such as pine flatwoods, palmetto prairie, and xeric scrub, a 30-foot setback is required for fire protection.
2. As part of the development application, an indigenous vegetation management plan shall be submitted for the long-term maintenance of vegetation in indigenous open space areas. This plan shall address the following:
 - A. The method and frequency of pruning and trimming.
 - B. The methods to remove and control all exotic and nuisance plants in perpetuity.
 - C. Debris removal.
 - D. Protected species conditions.
 - E. Drafts of educational materials (signage and brochures) to be provided to the residents about the purpose and function of these areas.
 - F. Monitoring reports, including photos that narratively document preserve area conditions; agreement that a monitoring report, including photos that narratively document preserve area conditions as well as document ecological restoration activity that has occurred in the preserve areas, will be provided after project construction with the application for a certificate of compliance; and agreement that if review of the monitoring reports reveals death or significant decline to preserve vegetation, then revision of the management plan and restoration will occur.

G. Open Space of Public Interest

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

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



H. Minimum Open Space Dimensions

1. The minimum average width of open space areas shall be ten feet.
2. The minimum area of open space shall be 180 square feet.
3. For projects less than ten acres in size, indigenous open space areas shall have a minimum average width of 20 feet and a minimum area of 400 square feet.
4. For projects ten acres or larger in size, indigenous open space areas shall have a minimum average width of 40 feet and a minimum area of 1,500 square feet.
5. Open space preservation areas shall be designed with adequate widths to preserve and allow the continued growth and viability of existing native trees.
6. Native tree preservation areas shall extend to the full drip line of slash pine, three-quarter drip line for all canopy trees, and six feet from the trunk of any native palm, or other protective means, such as retaining walls, shall be provided. Except for work related to approved ecological restoration activities, no filling, grading, or excavating is allowed in open space preservation areas.
7. Surface water management systems may overlap with native tree preservation areas only where it can be clearly demonstrated that the effects of water management system construction or operation will not cause death or harm to the preserved tree and indigenous plant community of protected species.

I. Stormwater Management Area Design

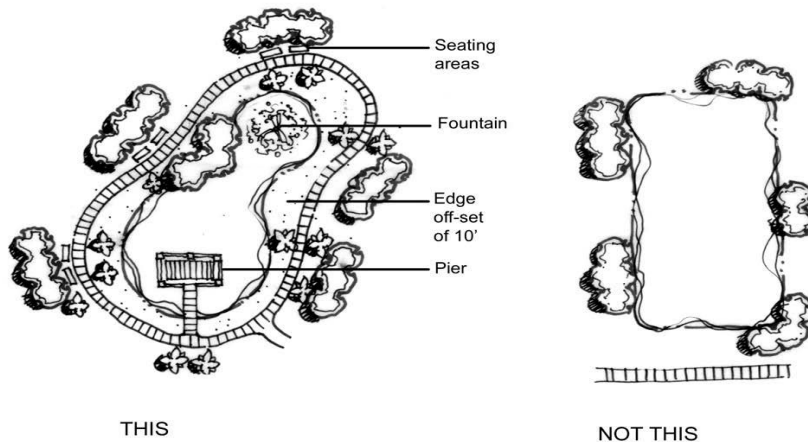
1. Water Management Lakes

Water management lakes are to appear natural and landscaped with lakeside amenities to enhance their appeal to residents and visitors.

2. Stormwater Ponds

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

Figure 5-408.I: Example Stormwater Ponds



Treatment of all bodies of water to appear natural and to incorporate landscaping features where possible.

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.

4. Wet and Dry Detention Areas

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

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

5. Planted Littoral Shelf (PLS)

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

A. Size Requirements

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

B. Location Criteria

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

3. If contained within a lake, the PLS shall function as a typical freshwater marsh in ponds with slopes from 6H:1V to not more than 4H:1V.
- C. *Shelf Configuration*
1. The PLS shall be designed to include a minimum 20-foot-wide littoral shelf extending waterward of the control elevation, at a depth of no greater than two feet below the control elevation.
 2. A detailed cross section of the PLS shall be depicted on the approved development order or limited development order, as applicable.
- D. *Plant Selection*
1. Herbaceous plants shall be selected based on the expected water level fluctuations and maximum water depths in which the selected plants will survive. The PLS areas shall be planted with at least four different native herbaceous plant species.
 2. The required number of herbaceous plants is calculated based on placement spaced two feet on center for the total area encompassed by the PLS. The PLS shall be planted with a minimum two-inch liner container of herbaceous plants.
 3. The total number of plants for the PLS shall be calculated by taking the total linear feet of shoreline multiplied by 25 percent, then multiplied by the 20-foot-wide shelf and divided by four to obtain the two-feet on-center spacing.
 4. Native wetland trees may be substituted for up to 25 percent of the total number of herbaceous plants required. One tree (minimum ten-foot height with a two inch caliper, with a four-foot spread) may be substituted for 100 herbaceous plants. Trees shall meet the minimum standards set forth in this section.
 5. The design elevation of the PLS shall be determined based upon the ability of the PLS to function as a marsh community and the ability of selected plants to tolerate the expected range of water level fluctuations.
6. *Bulkheads, Riprap Revetments, or Other Similar Hardened Shoreline Structures*
- Bulkheads, riprap revetments, or other similar hardened shoreline structures may comprise up to 20 percent of an individual lake shoreline. A compensatory littoral zone equal to the linear footage of the shoreline structure shall be provided within the same lake and meet the following standards:
- A. A five-foot wide littoral shelf planted with herbaceous wetland plants that provides 50 percent coverage at time of planting. To calculate the littorals for this shelf design, the number of linear feet of shoreline structure shall be indicated, multiplied by five feet for the littoral shelf width, multiplied by 50 percent for the plant coverage at time of planting;
 - B. An 8:1 slope littoral shelf with herbaceous wetland plants that provide 50 percent coverage at time of planting; or
 - C. An equivalent littoral shelf design approved by the Director.
7. *Restoration of Existing Approved Bank Slopes and Littoral Designs*
- A. Restoration of existing bank slopes that have eroded over time and no longer meet the minimum slope design standards applicable at the time the lakes were excavated will be strongly encouraged to use the slope protection measures identified above. Restoration activities will require review and approval through the limited development order process. As part of this review, the previously approved littoral plants and deep lake management plan requirements shall be included on the development or limited development order, as applicable. If the lake shoreline to be restored is either owned or controlled by a property owners association, CDD, or similar maintenance entity, the application for approval shall be filed by the association and encompass the entire lake shoreline in order to avoid slope restoration in a piecemeal fashion by individual lot owners.
 - B. The use of an appropriate geosynthetic turf reinforcement mat (TRM), a cellular confinement system, or similar shoreline stabilization technique that does not include hardened structures, such as those identified in subsection 6 above, is allowed. Use of hardened structures for slope restoration is discouraged, but may be approved by the Director, based on the following standards:

1. The application for the hardened structure demonstrates it is the most appropriate and minimum stabilization technique necessary, as designed and sealed by a licensed professional engineer.
2. The application also demonstrates compliance with subsection 5 above for compensatory littorals, as well as previously approved littoral and deep lake management plan requirements.

8. *Lake Maintenance Plan*

A lake maintenance plan shall be submitted for the long-term maintenance of a lake and lake shoreline areas. The plan shall be included as part of the application for development order. Once approved, the lake maintenance plan shall be recorded in the public records of Lee County as part of the property owner's or homeowners' association documents. The lake maintenance plan shall include the following elements:

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

9. *Excess Spoil Removal*

Removal of spoil shall only be in accordance with Sec. 7-206.G.2.A, Approval of an Excess Spoil Removal Plan.

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

A. Purpose

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

B. Applicability

The standards of this subsection apply to:

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

C. Standards

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

TABLE 5-409.C: LANDSCAPING STANDARDS FOR PARKING AREAS	
Landscape Elements	Standards
Minimum Landscape Area (Percent) (on the parking area perimeter or within internal islands)	<p>Shall equal or exceed a minimum of 10 percent of the total paved surface area</p> <p>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.</p>
Minimum Landscape Area Dimension	<p>Ten feet by ten feet for projects less than ten acres 18 feet by 18 feet for projects ten acres or larger</p>
Minimum Number of Trees	<p>One canopy tree or a cluster of three sabal palms shall be planted or retained for every 250 square feet of required internal planting area.</p> <p>One tree per planting island and one tree per planting area.</p> <p>Canopy requirements shall be met with existing indigenous native trees whenever such trees are located within the vehicular use area (parking area).</p> <p>Trees for parking lots shall not interfere with the visibility and movement of vehicles or pedestrians, or cause pavement or other hard surfaces to heave.</p> <p>Material selection shall be designed to survive the effects of building or large paved areas in terms of heat, shade, wind, etc.</p>
Maximum Number of Uninterrupted Parking Spaces between Landscape Areas	<p>Average of 10 spaces, not to exceed 13 spaces where ten-foot wide landscape islands are used, unless optional divider medians are provided.</p> <p>20 parking spaces where 18-foot-wide landscape islands are used, unless optional divider medians are provided.</p>
Optional Divider Medians	<p>Minimum width of a divider median shall be 18 feet, with one tree every 40 linear feet planted singly or in clusters. Maximum tree spacing shall be 60 feet.</p>
Terminal Islands	<p>A minimum ten-foot-wide terminal island is required at the end of all parking rows.</p> <p>Curbing is strongly encouraged.</p>
Landscape Area Coverage	<p>Internal landscape areas not dedicated to trees or to preservation of existing vegetation shall be landscaped with grass, ground cover, shrubs or other approved landscaping materials. This shall be noted on the landscape plans.</p> <p>A maximum of ten percent can be sod.</p> <p>Sand, gravel, rock, shell, or pavement are not appropriate landscape materials.</p>

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



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

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

A. Purpose

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

B. Standards

1. Shielding

- A. All loading areas and docks (including delivery truck parking), outdoor storage, trash collection, heating/air conditioning and other similar mechanical equipment, solid waste disposal facilities, trash compaction, recycling, and other similar service function areas shall be adequately shielded by a landscaped screen or solid fencing along at least three sides. Use of chain link fencing to meet this requirement is prohibited.
- B. These areas shall be fully shielded from adjacent properties and road rights-of-way when viewed from ground level. The shielding shall extend vertically a distance equal to or greater than the items, delivery trucks, or facilities being shielded. Shielding material and design shall be consistent with design treatment of the primary façades of the building or development and the landscape plan.
- C. Garden centers located in shopping centers or associated building materials sales establishments or department stores etc., shall shield all materials (except plants) from adjacent properties and road rights-of-way from view at ground level.
- D. Rooftop mechanical equipment shall be shielded from view at ground level by a parapet or similar architectural features. See Sec. 5-707.C, Rooftop Mechanical Equipment and Other Utilities.

2. Open Storage

A. Fencing and Screening.

All commercial or industrial outdoor storage shall be shielded behind a continuous visual screen at least eight feet in height when visible from a residential development or residential zoning district, or six feet in height when visible from any road right-of-way or road easement.

B. Storage Area

Storage areas are not required to be paved. Grass or other ground cover may be used if it is kept in a slightly and dust-free manner.

5-411. LANDSCAPE INSTALLATION AND MAINTENANCE STANDARDS

A. Purpose

Requirements for landscaping installation ensure the survivability of landscaping.

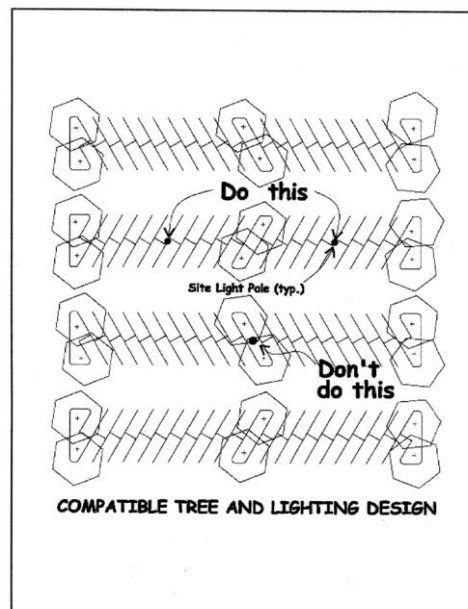
B. Applicability

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

C. Installation

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

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



D. Installation of Landscape Materials

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

1. All landscape areas shall be mulched unless vegetative cover is already established.
2. Trees and shrubs used in a buffer shall be planted in a minimum width area equal to one-half the required width of the buffer. In no case shall the planting area be less than five feet in width.

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

E. Maintenance of Landscaping

The owner is responsible for maintaining the required landscaping in a healthy and vigorous condition at all times, in perpetuity. Tree and palm staking shall be removed within 12 months after installation. All landscapes shall be kept free of refuse, debris, disease, pests, and weeds. There shall be ongoing maintenance to prohibit the establishment of prohibited invasive exotic species.

F. Pruning

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

G. Indigenous Vegetation Management Plan

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

H. Landscape Certificate of Compliance

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

I. Cultivated Tree Removal / Renovation

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

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

5-412. SUPPLEMENTAL LANDSCAPE STANDARDS FOR SPECIFIC USES

A. Purpose

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

B. Applicability

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

C. Uses Requiring Additional Landscaping or Screening

1. *Display, Sale, Rental, or Storage Facilities for Motor Vehicles, Boats, Recreational Vehicles, Trailers, Mobile Homes, or Equipment*

A. *Right-Of-Way Buffer Landscaping*

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

B. *Landscaping Adjacent to All Other Property Lines*

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

2. Minor Utilities

Structures or equipment (excluding transmission poles) exceeding three feet in height or which individually or collectively on the same parcel exceed 27 cubic feet in volume shall be of neutral, non-glare color or finish, and shielded on all sides by shrubs at least 36 inches high at time of planting.

3. Automobile Service Stations and Convenience Food and Beverage Store Selling Gas

For purposes of this subdivision only, the term automobile service station includes convenience food and beverage stores that sell gas.

A. Automobile Service Station Buffering to Residential Property

Automobile service station buffers adjacent to land in a residential district or residential development shall include an architecturally designed eight-foot high masonry wall or fence utilizing materials similar in color, module, and texture to those utilized for the building. Landscaping shall be planted on the side of the fence or wall adjacent to the residential district or residential development.

B. Automobile Service Station Right-Of-Way Buffer

1. Landscaping adjacent to rights-of-way external to the development project shall be located within a landscape buffer easement that is a minimum of 25 feet in width.
2. A horizontal undulating berm with a maximum slope of 3:1 shall be constructed along the entire length of the landscape buffer. The berm shall be constructed and maintained at a minimum average height of three feet. The berm shall be planted with ground cover (other than grass), shrubs, hedges, trees, and palms.
3. The required trees and palms shall be clustered in double rows with a minimum of three trees per cluster. Canopy trees shall be planted a maximum of 20 feet on center within a cluster. The use of palms within the right-of-way buffer shall be limited to landscaped areas adjacent to vehicular access points. Palms shall be planted in staggered heights to a minimum of three palms per cluster, spaced at a maximum of eight feet on center, with a minimum of a four foot difference in height between each tree. Exceptions will be made for *Roystonea spp.*, *Bismarka spp.*, and *Phoenix spp.* (not including *roebelenii*), which may be planted one palm per cluster. A maximum distance of 25 feet between all types of tree clusters shall be maintained.
4. At installation, shrubs shall be a minimum of ten gallon, five feet in height with a three-foot spread, and planted four feet on center.

4. Development Abutting Natural Waterway

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

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

5-413. IRRIGATION STANDARDS

A. Purpose

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

B. Applicability

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

C. Design Standards

1. All required irrigation systems shall be designed to eliminate the application of water to impervious areas, including roads, drives, and other vehicle areas.
2. Required irrigation shall also be designed to avoid impacts on existing native vegetation.
3. Systems shall include a controller set to conserve water. Devices such as rain switches, soil moisture sensors, and moisture detection devices shall be installed in all automatic sprinkler systems to override the sprinkler activation mechanism during periods of increased rainfall.
4. Water shall be conserved by allowing differential operation schedules based on hydrozone.
5. Soil, slope, and other site characteristics shall be considered in order to minimize water waste, including overspray or overflow to impervious surfaces.
6. Low trajectory spray heads and/or low volume water distributing or application devices shall be used.
7. Reuse water shall be used where approved systems are available.
8. The use of drought-tolerant site-specific and shade producing plants is encouraged to diminish irrigation demands
9. All required underground sleeves shall be shown on the development order site drainage plan.

SECTION 5-5. FENCE AND WALL STANDARDS

5-501. PURPOSE AND INTENT

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

A. Maintain Visual Harmony

Maintain visual harmony within neighborhoods and throughout the Village;

B. Protect Adjacent Lands from Unsightly Fences and Walls

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

C. Ensure Safety, Security, and Privacy of Lands

Ensure the safety, security, and privacy of land.

5-502. APPLICABILITY

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

5-503. GENERAL LOCATION STANDARDS

- A. Fences or walls shall be located outside of the public right-of-way.
- B. Fences or walls are allowed on the property line between two or more lots held in private ownership.
- C. Fences or walls may be located within any required setbacks.

- D. Fences or walls may be located within required landscaping areas, subject to the approval of a landscaping plan.
- E. Fences or walls located within utility easements shall receive written authorization from the easement holder or the Village, as applicable. The Village shall not be responsible for damage to, or the repair or replacement of, fences or walls that are removed to access utility easements or facilities.
- F. Fences or walls shall not be located where they would block or divert a natural drainage flow onto or off of any land, or fail to accommodate on-site detention/retention facilities in accordance with SFWMD requirements. (Nothing in this subsection shall be construed to prevent the installation of temporary fencing to protect existing trees, limit sedimentation, or control erosion).
- G. Fences or walls shall not be located where they would prevent immediate view of, or access to, fire hydrants or other fire-fighting water supply devices, in accordance with the Fire Code.
- H. Fences or walls shall be prohibited in accordance with Sec. 10-303.S, Sight Triangle.
- I. Fences or walls shall not block access from a window or door.
- J. Fences or walls shall not be allowed in a location the Director determines will create or worsen a traffic hazard.

5-504. HEIGHT STANDARDS

A. General

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

TABLE 5-504.A: FENCE OR WALL HEIGHT		
Location on Lot	Maximum Height (Feet) [1] [2]	
	Residential Use or Residential Base Zoning District	All Other Zoning Districts
Front Yard	3 [3]	8
Side or Rear Yard	6	8

NOTES:

[1] Any fence or wall taller than eight feet may be approved as part of a planned development (Sec. 2-501.D, Planned Development).

[2] Any fence taller within 25 feet of a body of water shall use open mesh screening in those areas of the fence above three feet in height.

[3] The fence or wall shall be limited to three feet in height within a required yard. A fence or wall is allowed to be four feet in height: (A) behind the required front yard for the purpose of enclosing the side and rear yard from the street; or (B) as a vertical picket fence in front of the residence, provided the space between vertical slats of the vertical picket fence is a minimum of one and one-half times the width and thickness of the vertical slats.

B. Exceptions

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

5-505. MATERIALS

A. General

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

1. Concrete block;
2. Brick;
3. Painted wood, pressure treated wood, or rot-resistant wood;

4. Decorative aluminum;
5. Iron or steel;
6. Chain link painted black or bronze;
7. Composite materials designed to appear as wood, metal, or masonry; or
8. Any material demonstrated by the applicant to have a similar or equal appearance and durability as a material listed in this subsection.

B. Prohibited Materials

The following fence types or materials are prohibited:

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

C. Perimeter Fences and Walls Abutting Street Right of Way

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

5-506. APPEARANCE

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

5-507. CONSTRUCTION

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

5-508. GATES

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

5-509. MAINTENANCE

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

5-510. RESIDENTIAL PROJECT WALLS

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

- A. May be up to eight feet in height around the perimeter of the project if the Director determines the fence does not interfere with vehicle visibility requirements at traffic access points.

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

SECTION 5-6. EXTERIOR LIGHTING STANDARDS

5-601. PURPOSE AND INTENT

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

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

5-602. APPLICABILITY

A. General

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

- 1. All new development;
- 2. Any individual expansion or alteration of a building if the expansion increases the build's floor area by 50 percent or more, or the alteration involves 50 percent or more of the building's floor area (including interior alterations); and
- 3. The replacement of any existing outdoor lighting fixture.

B. Exemptions

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

- 1. Lighting exempt under state or federal law;
- 2. FAA-mandated lighting associated with a utility tower;
- 3. Lighting for public monuments and statuary;
- 4. Lighting solely for signage (see Chapter 6: Signage);
- 5. Temporary lighting for circuses, fairs, carnivals, and theatrical and other performance areas, provided such lighting is discontinued upon completion of the performance;
- 6. Temporary lighting of construction sites, provided such lighting is discontinued upon completion of the construction activity;
- 7. Temporary lighting for emergency situations, provided such lighting is discontinued upon abatement of the emergency situation;

8. Security lighting controlled and activated by motion sensor devices for a duration of 15 minutes or less;
9. Underwater lighting in swimming pools, fountains, and other water features;
10. Outdoor light fixtures producing light directly by the combustion of fossil fuels, such as kerosene and gasoline;
11. Holiday or festive lighting, provided such lighting does not create unsafe glare on road rights-of-way; and
12. Outdoor lighting fixtures in use as of [redacted] [insert date of adoption of LDC] that do not comply with provisions of this section, so long as they are not replaced.

5-603. PHOTOMETRIC PLAN REQUIRED

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

5-604. GENERAL STANDARDS

A. Hours of Illumination

1. All uses (except for those listed in subsection 2 below) that are adjacent to existing residential development shall extinguish all exterior lighting—except lighting necessary for security or emergency purposes—by 10:00 P.M. or within one hour of closing, whichever occurs first. For the purposes of this subsection, lighting “necessary for security or emergency purposes” shall be construed to mean the minimum amount of exterior lighting necessary to illuminate possible points of entry or exit into a structure, illumination of exterior walkways, or illumination of outdoor storage areas. Lighting activated by motion sensor devices is strongly encouraged.
2. The uses that are not subject to these restrictions are:
 - A. Residential dwelling uses (not including mixed-use sites that incorporate dwelling uses);
 - B. Recreational facilities, outdoor; and
 - C. Agriculture uses, including accessory agricultural uses.

B. Illumination Levels

1. Illumination requirements for specific uses are established in Table 5-604.B: Illumination Level Requirements. Except for the specific standards included in Table 5-604.B, the standards contained in the latest edition of the Illuminating Engineering Society of North America (IESNA) Handbook shall apply.

TABLE 5-604.B: ILLUMINATION LEVEL REQUIREMENTS [1, 2, 3]		
Use/Task	Initial Actual Foot-candles (minimum)	Initial Uniformity
Parking, multi-family		
Low vehicular/pedestrian activity	0.3	4:1
Medium vehicular/pedestrian activity	0.8	4:1
Parking, industrial/commercial/ institutional, municipal		
High activity, e.g., shopping centers, fast food facilities, major athletic/civic, cultural events	1.2	4:1
Medium activity, e.g., office parks, hospitals, commuter lots, cultural/civic/recreational events	0.8	4:1
Low activity, e.g., neighborhood shopping, industrial employee parking, school, church parking	0.3	4:1
Other		
Non-residential walkways and bikeways	0.3	5:1
Canopy, drive-thru, fuel pumps, overhang	6.0	5:1
NOTES:		
[1] These specified illumination level criteria are the initial actual levels to be measured at the time of final inspection for a certificate of compliance. The outdoor lighting shall be maintained so the average illumination levels do not increase above the specified values. The minimum illumination levels may decrease over time consistent with the Light Loss Factor associated with the installed fixtures.		
[2] Average illumination shall not exceed the product of the initial actual foot-candles and the specific ratio. For example, for Low vehicular/pedestrian activity multi-family parking facilities, the maximum average illumination is 1.2 (0.3 x 4).		
[3] Where all-night safety or security lighting is to be provided, the lighting intensity levels shall provide the lowest possible illumination to discourage crime and undesirable activity and to effectively allow surveillance but may not exceed 50 percent of the levels normally permitted for the use as specified in this section.		

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

C. Maximum Mounting Height

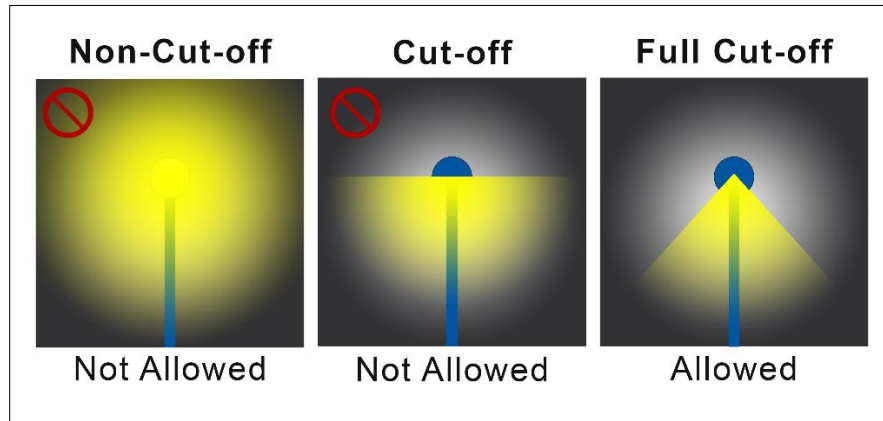
Except for street lighting, the height of exterior light fixtures, whether mounted on poles, walls, or by other means, shall comply with the standards in Table 5-604.C: Maximum Mounting Height for Exterior Lighting.

TABLE 5-604.C: MAXIMUM MOUNTING HEIGHT FOR EXTERIOR LIGHTING	
Zoning District	Maximum Mounting Height (feet)
Agricultural, Residential, and Special Purpose Districts	15
Commercial Districts	25
Within 100 feet of a Residential District or Residential Development	15

D. Full Cut-Off and Fully Shielded Fixtures Required

All exterior luminaries, including security lighting, shall be full cut-off fixtures that are directed downward and fully shielded, consistent with Figure 5-604.D: Full Cut-Off Fixtures. In no case shall lighting be directed above a horizontal plane through the lighting fixture.

Figure 5-604.D Full Cut-Off Fixtures



E. Standards for LED Luminaries

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

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

5-605. STANDARDS FOR SPECIFIC USES AND SITE FEATURES

A. Off-Street Parking Areas

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

B. Sports or Performance Venues

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

C. Pedestrian Area Lighting

1. Light fixtures for sidewalks, walkways, trails, and bicycle paths, outside of parking areas, except for pedestrian bollard lamps, shall comply with the following standards:
 - A. Provide at least 1.0 foot-candles of illumination, but not exceed 1.8 foot-candles;
 - B. Have a maximum height of 15 feet; and
 - C. Be placed a maximum of 100 feet apart.
2. Any pedestrian bollard lamps shall be mounted no higher than four feet above grade, shall not exceed 900 lumens for any single lamp, and shall have a Coordinated Color Temperature (CCT) that does not exceed 3,000 K. (See Figure 5-605.C.2: Examples of Pedestrian Bollard Lamps.)

Figure 5-605.C.2: Examples of Pedestrian Bollard Lamps



D. Wall Pack Lights

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

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

E. Canopy

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

F. Decorative and Landscape Lighting

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

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

5-606. STREET LIGHTS

- A. All street lights shall be located inside full cut-off fixtures with recessed bulbs and flat lenses mounted on non-corrosive poles served by underground wiring.
- B. The light structure and light color of street lights in an individual subdivision or development shall be consistent throughout the subdivision or development and comply with the standards in Sec. 5-604.E, Standards for LED Luminaries.
- C. The maximum height of street lights shall be 15 feet in Residential districts and 25 feet elsewhere.

- D. Street light improvements shall be maintained and operated through a covenant that runs with the land in the form of deed restrictions, a property owners' or condominium association, or another legal mechanism, acceptable to the Village, which assures the beneficiaries of the service that the street lighting will be continually operated and maintained. The beneficiaries of the service shall in all cases be provided with a legal right to enforce the assurance that the lighting will be continually operated and maintained. The legal documents that provide for the continual maintenance and operation of the lighting shall be accepted and recorded with the public records of Lee County only after they are reviewed and approved by the Village Land Use Attorney for compliance with this section.

5-607. PROHIBITED LIGHTING

The following exterior lighting is prohibited:

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

5-608. ILLUMINATION MEASUREMENT

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

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

5-701. PURPOSE

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

5-702. APPLICABILITY

A. General

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

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

A. Renovation and Redevelopment

In the case of additions or renovations to, or redevelopment of, an existing building, where the cumulative increase in total floor building area exceeds 30 percent of the square footage of the existing building being enlarged or renovated, the provisions of this section shall apply. Where there are inherent problems retrofitting existing buildings, the Director may waive some or all requirements if other equivalent enhancements are provided.

B. Change of Use

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

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

B. Review

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

5-703. ARCHITECTURAL STYLES AND CHARACTERISTICS

A. Primary Architectural Styles

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

1. Mediterranean Revival

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

- A. The Mediterranean Revival style is highly articulated with varied massing and architectural features. Towers, balconies, loggias, porticos, chimneys, trellises, and exterior staircases are assembled to form picturesque buildings. The result is buildings that are rich in shade and shadow, with multiple building volumes and setbacks, and varied building heights.
- 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.

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

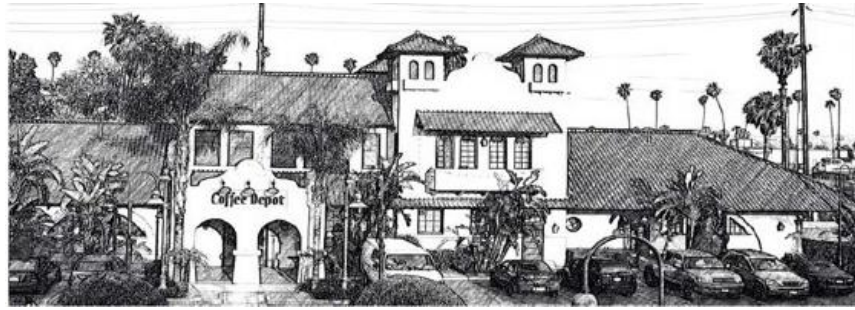
TABLE 5-703.A.1.D: MEDITERRANEAN REVIVAL STYLE CHARACTERISTICS	
Roof shape	Hipped, gabled, or a combination of both.
Roof slope	Roof slopes are shallow and are sloped between 3:12 and 6:12.
Roofing materials	Barrel tile, Spanish “S” tile, or flat concrete tile.
Roof overhangs	Vary from deep to having 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 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.

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



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

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



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



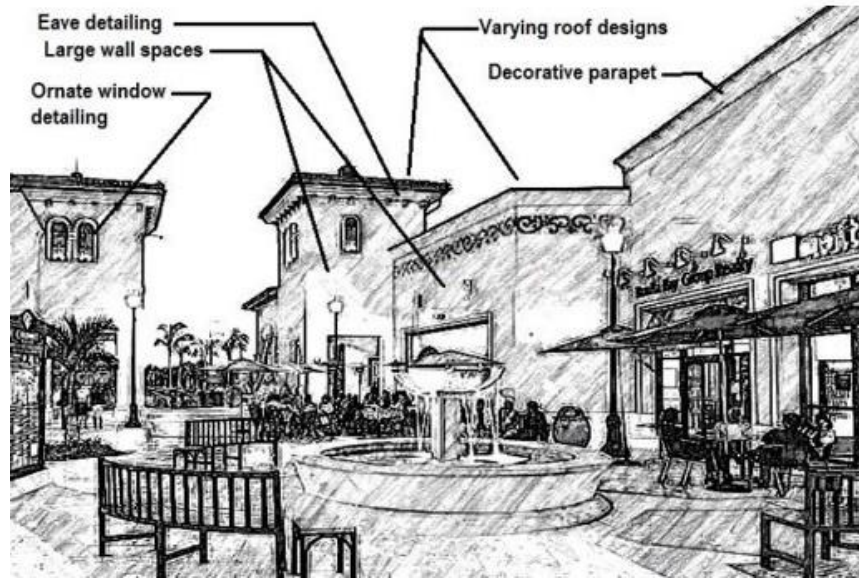
Decorative corbels

Ornate balustrades

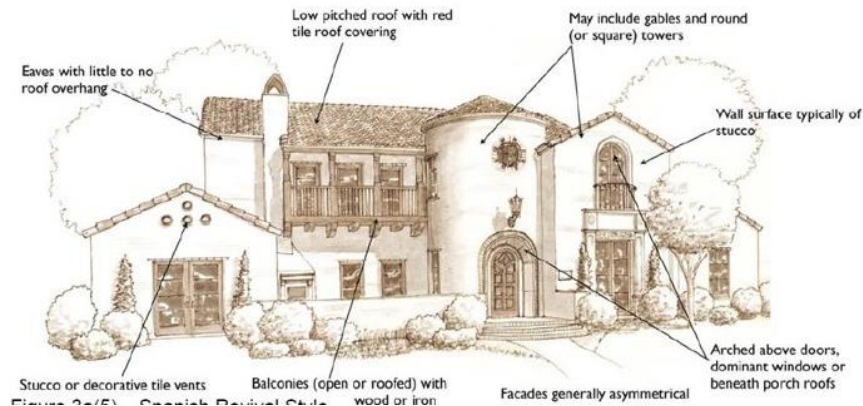
Vertical elements

Arched details

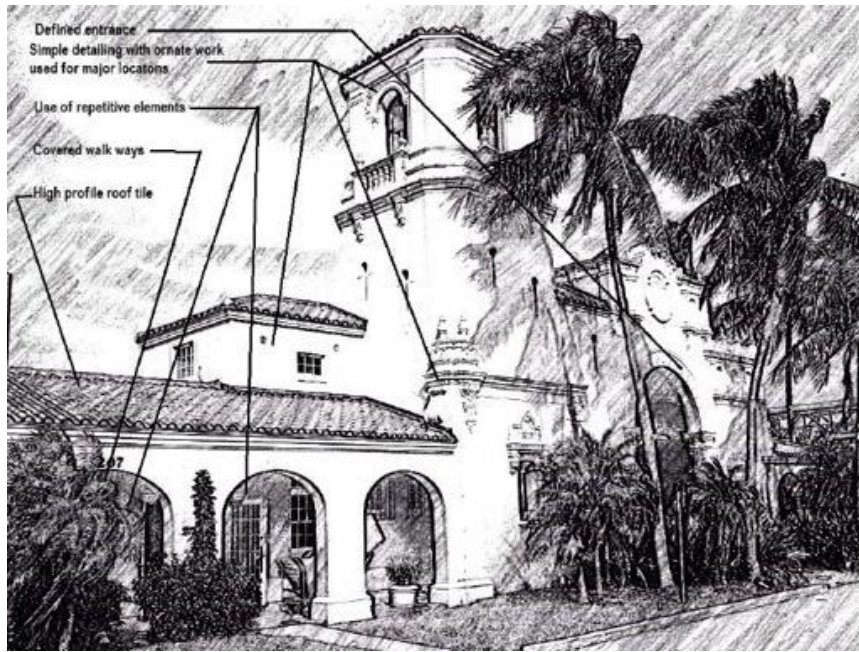
3. Italian Countryside: The Italian Countryside style includes two or three stories, rarely one story; low-pitched roof, decorative parapet, widely overhanging eaves; large, decorative brackets under an ornamental cornice; tall, narrow windows commonly arched or curved above; an occasional square cupola or tower (campanile); and elaborate wrap-around porch (or smaller entry porch) with decorative Italianate double columns.



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



- Spanish Colonial: The Spanish Colonial style includes defined entrances; simple detailing with ornate work used for major locations; use of repetitive elements; covered walkways; and high profile roof tile.



2. *Florida Vernacular*

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

- A. The Florida Vernacular style of architecture is native to the region. It is most typically constructed with a wooden frame and finished with wood siding. 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 or wooden 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 lap-siding, vertical board and batten, or wood shingles. Siding typically exposes four to six inches to the weather, which is terminated with corner boards at building edges. Stucco finishes are also appropriate, though less common. Modern day building materials also include fiber cement siding. Brackets, balconies, porches, shutters, and other elements are usually wood or iron.
Openings, windows, and doors	Vertically proportioned with wooden surrounds and sills. Horizontally proportioned openings are made of a grouping of vertical windows. Windows are usually double-hung with no light divisions in the top or bottom sash.

TABLE 5-703.A.2.C: FLORIDA VERNACULAR STYLE CHARACTERISTICS	
External spaces	Porch roofs are supported by posts positioned to create vertical or square openings between them. Porches are typically quite deep (at least eight feet), creating outdoor rooms. The porch roof may have a different slope than that of the primary building; however, detailing and overhang depths should be consistent.
Base	Frequently has a raised, continuous base. Historically, the raised base protected the building from potential flooding, provided a measure of privacy for residences, and concealed a crawl space that allowed for ventilation.

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



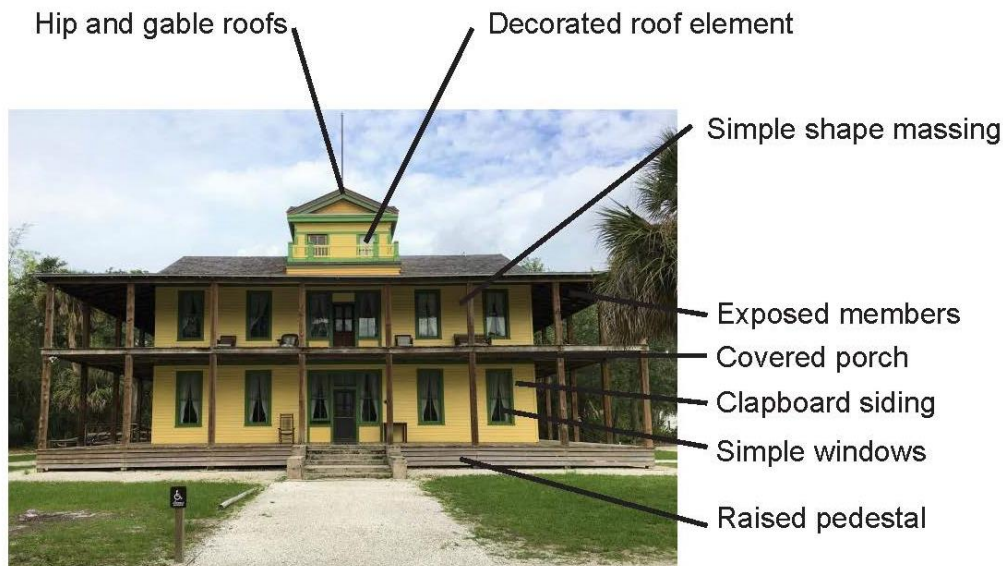
- D. The Florida Vernacular architectural style includes these sub-styles within the Village:
1. Florida Plantation: The Florida Plantation style includes the use of pediment and gable end for accents and columned entry.



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



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



B. Alternative Styles

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

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





2. Iconic: Civic buildings and public gathering places require important sites to reinforce the community identity. Buildings that are used for civic purposes and that are adjacent to public gathering places require distinctive form, because their role is different from that of other buildings and places that constitute the fabric of the community. Such buildings may be evaluated to allow iconic architecture as an alternative style.
3. An applicant may propose Prairie or Iconic architecture as an alternative architectural style, subject to approval through the design review process as part of the review of the development application. Approval of a proposed alternative architectural style shall be based upon the following findings:
 - A. The plan and architectural style for the proposed development is in conformity with good taste, good design, and in general contributes to the image of the Village as a place of beauty, spaciousness, harmony, taste, fitness, and high quality.
 - B. The plan and architectural style for the proposed development is not, in its exterior design and appearance, of inferior quality such as to cause the nature of the existing and evolving Village environment to materially depreciate in appearance and value.
 - C. The plan and architectural style for the proposed development conforms with the standards of this LDC and other applicable ordinances, particularly with respect to the location and appearance of the buildings and structures proposed in the development.
 - D. The plan and architectural style for the proposed development is compatible with the existing and any proposed surrounding development, and is consistent with the comprehensive plan.
 - E. The building is constructed with material that is sufficient and of such high technical quality to allow for continuing renovation and adaptive reuse well beyond the expiration of initial planned use or cost recovery.
 - F. The building is designed to share some of the design characteristics of neighboring buildings or public spaces where applicable.

5-704. HISTORIC PRESERVATION REGULATIONS

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

5-705. SITE CONTEXTUAL STANDARDS

A. Purpose and Intent

1. The purpose of these site contextual standards is to ensure the site design of development supports an image that is attractive and consistent with the desired community identity. This is

achieved by providing for architectural and site design treatments that will enhance the visual appearance of development in the Village, while providing for design flexibility.

2. These site contextual standards are intended to stimulate creative project designs, while fostering compatibility with surrounding development, and create an integral distinct community image—one that will enhance, unify, and harmonize development throughout the Village.

B. Views

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

C. Mixed-Use Development Design Standards

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

1. *Placemaking*

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

TABLE 5-705.C.1: PLACEMAKING STANDARDS	
Placemaking Amenity	Basic requirement for integrated horizontal or vertical mixed-use development sites
Mix-of-use ratio	<p>No more than a maximum of 80 percent of the gross habitable floor area shall be dedicated to either a residential or nonresidential use to achieve a mix of residential and non-residential uses. (A clubhouse (with dining and recreational opportunities) and maintenance facilities are not considered nonresidential for the purposes of this subsection.)</p> <p>Waiver: The Director may waive this ratio requirement if it is demonstrated that the proposed development site has a mix of residential and non-residential uses that can be reached within a ¼-mile walk of the subject site via continuous pedestrian facilities.</p>
Housing choices	<p>The development shall include a mix of at least two distinctly different housing types. Housing types include detached houses including two-family dwellings, apartment houses, cottages and side-yard houses, row houses, live-work buildings, courtyard buildings, or mixed-use buildings. No more than 80 percent of dwelling units may be comprised of a single housing type.</p> <p>Waiver: The Director may waive this ratio requirement if it is demonstrated that the overall size of the mixed-use development is less than five acres and consequently cannot reasonably support two different types of housing types, and the project complies with the mix of use ratio above.</p>
Gathering place	<p>The site’s open space shall include a gathering place, which shall be a minimum of ten percent of the project site.</p> <p>Gathering places include outdoor spaces such as plazas, parks, and farmers’ markets; cultural venues such as theaters and museums; civic spaces that include meeting rooms; businesses such as restaurants, coffee shops, and fitness centers; places of worship, social institutions; and amenities adjoining sidewalks and trails such as benches, exercise stations, and gazebos. The gathering place shall be visible and easily accessible from a public road, and shall be clearly located and designed so that it can be used by both occupants and the public. Accessibility to</p>

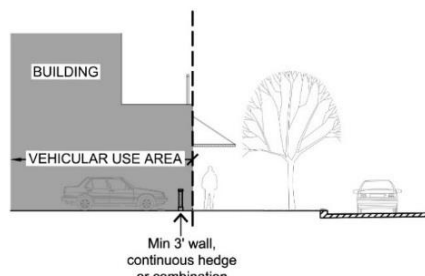
TABLE 5-705.C.1: PLACEMAKING STANDARDS	
Placemaking Amenity	Basic requirement for integrated horizontal or vertical mixed-use development sites
	the public shall be provided through an access easement or other equivalent means. (Non-residential uses meant for use by residents of the project and only accessible to the public by rent, lease, or membership (uses such as meeting rooms, banquet halls, fitness centers, or golf courses) do not qualify as gathering space.)
Multimodal and integrated Mobility	Development, to the maximum extent practicable, shall be served by an integrated system of sidewalks, roads, accessways, and other facilities designed to provide for multiple travel modes (vehicular, transit, bicycle, and pedestrian), as appropriate to the development's size, character, relationship to surrounding development and development patterns, and existing and planned community transportation systems.
Connectivity	<p>The internal road circulation system shall be well connected and integrated, with an appropriate classification of roads, sidewalk on both sides of the road, and street trees. Where site conditions are appropriate, a block layout is encouraged. Cross-access between the development and those on adjoining parcels shall be established, where appropriate.</p> <p>Roads shall be designed to integrate with and connect to existing roads external to the site, and where appropriate, provide for future extension of the development's road network to provide the maximum number of interconnections and points of ingress and egress.</p>
Roads	<p>Roads shall not end in dead ends, cul-de-sacs, hammerheads, or other forms that do not connect with other roads, except in instances where connections are not reasonably feasible.</p> <p>Where appropriate, alleys shall be designed to absorb parking and service loads.</p> <p>To the maximum extent practicable, the outer faces of blocks shall be pedestrian in nature with sidewalks a minimum of six feet wide on both sides of streets, street trees, and pedestrian level lighting.</p> <p>Traffic calming features shall be used, where appropriate, in the design of streets and driveways. Features may include roundabouts or rotaries, rumble strips, chicanes, speed tables, raised crosswalks, etc.</p>
Parking	<div style="display: flex; align-items: center;">  <div style="margin-left: 20px;"> <p>A minimum of 50 percent of the off-street parking shall be placed to the side of buildings or behind the buildings, subject to the landscape requirements of Sec. 5-409, Landscaping of Parking Areas, and Vehicular Access.</p> </div> </div>
Transit	Where LeeTran provides or plans to provide service, the development shall include a transit stop or shelter in the project design, subject to LeeTran approval. Where LeeTran does not provide service, space shall be dedicated for a transit stop or shelter to be developed in the future.
Community identity	A gateway monument shall be provided at the primary vehicular entrance or entrances to the project.
Community heritage	The development shall, to the maximum extent practicable:

TABLE 5-705.C.1: PLACEMAKING STANDARDS	
Placemaking Amenity	Basic requirement for integrated horizontal or vertical mixed-use development sites
	(1) Preserve an historic structure or landmark that is located on the site, and preserve any specimen trees; or (2) Include educational signage, a monument, or a statue that memorializes the Village’s history or culture. Waiver: The Director may waive this requirement if it is demonstrated that the site has no existing features to preserve, or no potential to include a feature, that relate to the heritage of the Village.
Arts, culture and creativity	The development shall include public art displayed in a prominent location, such as a plaza or civic space.
Environmental feature	The development shall include one of the following on the site: (1) Green infrastructure, such as rain gardens, roadside bioswales, etc.; (2) A nature trail that is accessible to the public; or (3) Environmental educational signage. Waiver: The Director may waive this requirement if it is demonstrated that the site has no existing environmental features, nor the potential to include a feature that relates to green infrastructure or environmental protection.

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

2. *Crime Prevention Through Environmental Design (CPTED)*

The CPTED standards in Table 5-705.C.1.B: CPTED Standards (illustrated in the following figures):

TABLE 5-705.C.1.B: CPTED STANDARDS	
Standard	Description
Natural Surveillance	To the maximum extent practicable, design and orient buildings, windows, entrances and exits, vehicular use areas (parking areas), walkways, landscape trees and shrubs, fences and walls, signage, and any other physical obstructions to allow visibility from public or common areas.
	To the maximum extent practicable, position balconies to overlook public or common areas.
	Where walls or landscaping are adjacent to the public right-of-way, minimize the creation of blind spots or hiding places that provide opportunities for concealment.
	Position lighting to provide visibility of common areas along public rights-of-way, parking lots, walkways, entrances, and exits.
Natural Access Control	Orient entrances in prominent locations for safe and convenient pedestrian access.
	Use distinctive pavement, lighting, and landscaping to clearly guide the public to and from entrances and exits.
	Place fences, walls, or landscaping in locations that discourage or prevent public access to non-monitored, dark, or private areas.
Territorial Reinforcement	Use distinctive fences, pavement treatment, signage, gateway treatment, and landscaping to indicate and define ownership of property and distinguish public and private spaces.

Figure 5-705.C.1.B-1: CPTED Natural Surveillance Design Elements

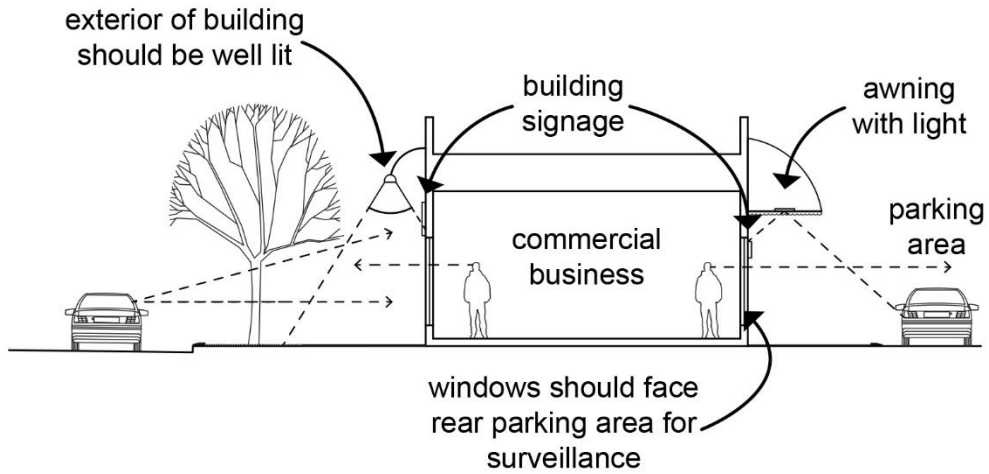


Figure 5-705.C.1.B-2: CPTED: Natural Access Control



Distinctive paver patterns and trees lining the path help clearly guide the public to and from the building entrance.

Figure 5-705.C.1.B-3: CPTED: Territorial Reinforcement



Pavers are distinct from the concrete public sidewalk, and distinctive landscaping and a gateway treatment define ownership and distinguish the private from the public realm.

3. *Climate Responsiveness*

The following climate responsiveness standards:

- A. The size, shape, and orientation of a lot and the siting of buildings shall be designed to provide development logically related to trees, topography, solar orientation, and natural features.
- B. Building design and layout shall optimize solar orientation, to the maximum extent practicable. Larger roof overhangs shall provide shade. Porches and glazing adjustments shall provide for filtering sunlight.
- C. To the maximum extent practical, public open space, recreation areas, plazas, and courtyards shall be located to take advantage of solar orientation, provide protection from prevailing wind, and to take advantage of summer shade and winter sunshine.
- D. Along roads, awnings or arcades shall protect pedestrians from natural elements. Awnings and similar overhangs may encroach in rights-of-way as long as a minimum six-foot width of clear sidewalk is maintained and a minimum clear distance of nine feet above the sidewalk is maintained.
- E. The building design and construction shall be cognizant of southwest Florida's unique climate and be ecologically sensitive in use of materials, particularly recyclables, and be respectful of energy demands.

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.

5-706. BUILDING DESIGN STANDARDS

A. Purpose and Intent

The purpose of the building design standards is to supplement other development standards in the LDC with specific building design standards. The intent is to:

- 1. Stimulate creative project designs;

2. Create and maintain a positive ambiance and strong community image and identity in the Village by enhancing the visual appearance of development; and
3. Provide for design flexibility.

B. Complementary Design Transitions

Development shall be designed to relate to adjacent structures in a complementary manner. Transitions from adjoining development to the subject site shall be provided by incorporating:

1. Building massing that relates to the existing adjacent building heights that are in compliance with the requirements of the LDC.
2. Patterns of roof structures, colors, cornices, and other architectural elements that relate to adjacent buildings that are in compliance with the requirements of the LDC. See Figure 5-706.B: Building Transition.

Figure 5-706.B: Building Transition

Do this:



Not this:



C. Building Entries and Façades

1. The main entrance of the structure shall be oriented toward the public right-of-way on which the structure fronts. On a corner lot or site, the main entrance may be oriented to either the road or the corner.
2. For compliance with building design standards, exterior façades of out-parcel buildings shall be treated as primary façades and employ architectural, site, and landscaping design elements that are common to the theme used in the main development on site, including colors and materials associated with the main building. The purpose of this requirement is to assure a unified architectural theme and site planning between out-parcels and the main buildings on site, enhance visual impact of the buildings, and 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.
5. Blank wall areas shall be interrupted with an opening or relief work including one or more of the following:
 - A. Recessed or clearly defined entryways (a minimum of six feet applies to recessing of entryways);
 - B. Varying rooflines, pitches, and shapes;
 - C. Dormers, balconies, and staircases;
 - D. Transparent window or door areas or display windows that provide visibility into the building interior. (No reflective or darkly tinted glass may be used at ground level);
 - E. Overhangs, awnings, and marquees;
 - F. Building ornamentation and varying building materials, colors, decorative tiles, edifice detail such as trellises, false windows, or recessed panels reminiscent of window, door, or colonnade openings and wall murals;
 - G. Shrubs or vines trained to grow upright on wire or trellises next to blank walls;

- H. Architectural features such as cornices, articulated roof parapets, porticos, towers, or other details that alter the building height;
- I. Application of a contrasting base that is a minimum one-foot high and extends along the entire front of the building and at least ten feet along the sides of the building.

6. Horizontal Plane Offsets

- A. For buildings with a gross ground floor area up to 10,000 square feet, horizontal wall planes shall be interrupted with an offset dimension of at least eight inches to change the horizontal plane at the following maximum intervals: every 40 linear feet for façades facing roads or providing primary entrances, and every 75 linear feet for all other façades.
- B. For buildings with a gross ground floor area between 10,000 and 35,000 square feet, horizontal wall planes shall be interrupted with an offset dimension of at least 16 inches to change the horizontal plane at the following maximum intervals: every 75 linear feet for façades facing roads or providing primary entrances, and every 100 linear feet for all other façades.
- C. For buildings with a gross ground floor area over 35,000 square feet, horizontal wall planes shall be interrupted with an offset dimension of at least two feet to change the horizontal plane at the following maximum intervals: every 100 linear feet for façades facing roads or providing primary entrances, and every 150 linear feet for all other façades.

D. Exterior Building Color

- 1. Exterior building colors shall be neutral, warm earth tones or subdued pastels. White or gray are prohibited as a predominant color. Where applicable, brightly colored trims, cornices, or columns may be used to create a special effect or setting. However, these contrasts shall create a harmonious impact, complementing the principal structure as well as existing surrounding building structures.
- 2. Brighter colors can be utilized to create focal points of interest in locations including on doors, windows, and architectural details.
- 3. Buildings shall not exceed three colors on one architectural detail in composite.
- 4. Contrasting accent colors of any wall, awning, or other feature shall be limited to no more than ten percent of the total area for any single façade.

E. Exterior Building Materials

- 1. Exterior building materials contribute significantly to the visual impact of a building on the community. They shall be well-designed and integrated into a comprehensive design style for the project. The following exterior building materials cannot be used on more than ten percent of the building façade area:
 - A. Corrugated or reflective metal panels;
 - B. Tile (prohibition does not apply to roofs);
 - C. Smooth, scored, or rib-faced concrete block;
 - D. Any translucent material, other than glass; or
 - E. Any combination of the above.
- 2. Building trim and accent areas, consistent with the overall building, are limited to ten percent of the affected wall area, with a maximum trim width of 24 inches.

F. Roof Treatments

Variations in roof lines shall be used to reduce the massing of buildings and to add visual interest. Roof features and materials shall be in scale with the building's mass and complement the character of adjoining and/or adjacent buildings and neighborhoods. The following standards identify appropriate roof treatments and features:

- 1. The roof edge and/or parapet shall have a vertical change from the dominant roof condition, in two locations. At least one such change shall be located on a primary façade.
- 2. Roofs shall be designed to also meet three or more of the following requirements:
 - A. Parapets used to conceal rooftop equipment and flat roofs.
 - B. Three or more roof slope planes per primary façade.

- C. Sloping roofs, which do not exceed the average height of the supporting walls, that have an average slope equal to or greater than 4V:12H but not greater than 12V:12H.
 - D. Additional vertical roof changes with a minimum change in elevation of two feet (flat roofs shall have a minimum of two changes).
 - E. Three-dimensional cornice treatments which are a minimum of ten inches in height with a minimum of three reliefs.
3. The following roof types and materials are prohibited:
- A. Roofs utilizing less than or equal to a 2V:12H pitch unless utilizing full parapet coverage or mansard;
 - B. Mansard roofs, except roofs with a minimum vertical distance of eight feet and an angle between 45 and 70 degrees from horizontal; and
 - C. Asphalt shingles, unless utilized in Old Florida style architecture.

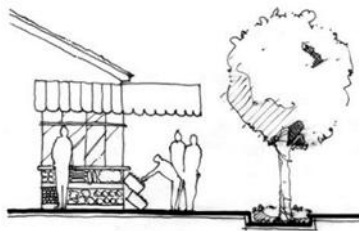
G. Windows

1. Windows shall not appear to be false or applied.
2. Along roads, 60 percent of the nonresidential ground floor façade shall be designed with windows to provide some visual interest for pedestrians and to support the crime prevention principle of eyes on the street.

H. Awnings

1. Awnings and similar overhangs may encroach in rights-of-way as long as a minimum six-foot width of clear sidewalk is maintained and a minimum clear distance of nine feet above the sidewalk is maintained.
2. The design, materials, and color of the awnings shall complement the architecture of the building and not obscure its features.
3. Materials shall be durable and weather resistant. Plastic or shiny materials are prohibited. Fabric awnings shall not turn corners and shall be associated with a window, group of windows, or other openings. Fabric awnings shall not exceed 14 inches beyond a window or door in the horizontal direction and three feet in the vertical direction. Fabric awnings are prohibited as roof structures.
4. Awnings shall be consistent with the visual scale of the building.
5. Awnings shall be placed at the top of openings. The awning shape shall correspond with the shape at the top of the opening. Flat canopies are discouraged except in circumstances where it is accompanied by a valance. See Figure 5-706.H.5: Awning Placement.

Figure 5-706.H.5: Awning Placement



I. Columns, Posts, and Piers

1. Aesthetic details are encouraged to be created using columns, posts, piers, or pillars, where appropriate.
2. Columns may be either round or square.
3. All columns shall include a capital and a base.
4. Column, post, and pier materials shall be durable and weather resistant, and limited to the following:
 - A. Wood or wood alternatives;
 - B. Stone or faux stone materials;
 - C. Stucco;
 - D. Precast; or

E. Any combination of the above.

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. 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.

5-707. SUPPLEMENTAL DESIGN STANDARDS FOR SPECIFIC USES

A. Purpose

Supplemental design standards for specific uses are implemented to ensure compatibility and minimization of visual intrusion by intense land uses on the Village's less intense land uses.

B. Parking Garages

1. Sixty (60) percent of the primary façade of a parking garage shall incorporate the following:
 - A. Transparent windows, with clear or lightly tinted glass, where pedestrian-oriented businesses are located along the façade of the parking structure;
 - B. Display windows;
 - C. Decorative metal grille-work or similar detailing, which provides texture and partially or fully covers the parking structure openings; or
 - D. Vertical trellis or other landscaping or pedestrian plaza area.
2. Where a proposed parking garage is located on a parcel adjacent to or abutting an existing taller residential development, all exposed parking spaces on the top level of the garage shall provide additional design treatments to obscure view of the spaces from residential use. Design treatments may include, but are not limited to, a combination of landscaped trellises, opaque covers, and permanent landscaping. In addition, surfaces of exposed parking aisles and drives shall be comprised of specialty pavers or colored stamped concrete having a nonreflective matte surface.

C. Rooftop Mechanical Equipment and Other Utilities

Rooftop mechanical equipment shall be shielded from view at ground level by parapet or similar architectural features.

D. Automobile Service Station and Convenience Food and Beverage Stores

1. The high levels of traffic, glare, and intensity of activity associated with automobile service stations and convenience food and beverage stores are incompatible with surrounding uses. Therefore, in the interest of protecting the health, safety, and general welfare of the public, all automobile service stations and convenience food and beverage stores shall comply with the following standards.
 - A. Minimum lot frontage: 150 feet of frontage on a vehicular right-of-way.
 - B. Minimum lot depth: 180 feet.
 - C. Minimum lot or parcel area: 30,000 square feet.
 - D. There shall be a minimum distance of 500 feet between the nearest points on any lot or parcel of land to be occupied by automobile service stations, and any lot or parcel for such

- use already occupied by an automobile service station, or for which a building permit has been issued, unless waived by the Director in accordance with subsection 11 below.
2. All automobile service station and convenience food and beverage store structures shall comply with the following minimum setbacks.
 - A. Front yard: 50 feet.
 - B. Side yard: 40 feet.
 - C. Rear yard: 40 feet.
 3. Landscaping buffers shall comply with Sec. 5-412.C.3, Automobile Service Stations and Convenience Food and Beverage Store Selling Gas.
 4. An eight-foot high enclosed trash area shall be integrated within the design of the service station or convenience food and beverage store.
 5. Motor vehicle fuel storage tanks shall be located below grade.
 6. *Canopies*
 - A. Flat roof canopies are prohibited.
 - B. Canopies shall be consistent with the architectural design and features of the principal structure.
 - C. Canopy lighting shall comply with Sec. 5-605.E, Canopy.
 7. *Colors on Buildings and Canopies*

The color of all structures on site shall be of soft earth tones or pastels. Canopies shall be of one color, consistent with the predominant color of the principal structure, if a canopy is utilized in building design. Color accent banding on fuel pump canopy structures and all other structures is prohibited.
 8. Outside display or storage of products is prohibited.
 9. Each automobile service station shall provide the necessary infrastructure and pre-wiring to provide the capability for generator service in case of emergencies.
 10. No automobile service station shall have an entrance or exit for vehicles within 200 feet, along the same side of a street, as a school, public playground, child care center, church, hospital, or public library.
 11. The Director may grant a waiver of part or all of the minimum separation requirements set forth in subsection 1.D above if it is demonstrated by the applicant that the site proposed for development is separated from another automobile service station by natural or manmade boundaries, structures, or other features that offset or limit the necessity for such minimum distance requirements. The Director's decision to waive part or all of the distance requirements shall be based, in part, upon whether or not the nature and type of natural or manmade boundary, structure, or other feature lying between the proposed establishment and an existing automobile service station lessens the impact of the proposed automobile service station. Such boundary, structure, or other feature may include, but is not limited to, lakes, marshes, nondevelopable wetlands, designated preserve areas, canals, or a minimum of a four-lane arterial or collector right-of-way.

E. Fast Food Restaurants and Car Washes

1. All stand-alone or accessory fast-food restaurants and car washes shall comply with the following standards.
 - A. Minimum lot frontage: 150 feet of frontage on a vehicular right-of-way.
 - B. Minimum lot depth: 150 feet.
 - C. Minimum lot or parcel area: 25,000 square feet.
2. All structures shall comply with the following minimum setbacks.
 - A. Front yard: 50 feet.
 - B. Side yard: 15 feet.
 - C. Rear yard: 20 feet.

3. Canopies

- A. Flat-roof canopies are prohibited. Canopies shall be consistent with the architectural design and features of the principal structure.
- B. Canopy lighting shall comply with the requirements of Sec. 5-605.E, Canopy.
- C. Canopies shall be of one color, consistent with the predominant color of the principal structure.

4. Accent Banding

Color accent banding on all structures, including canopies, is prohibited.

F. Big Box Commercial

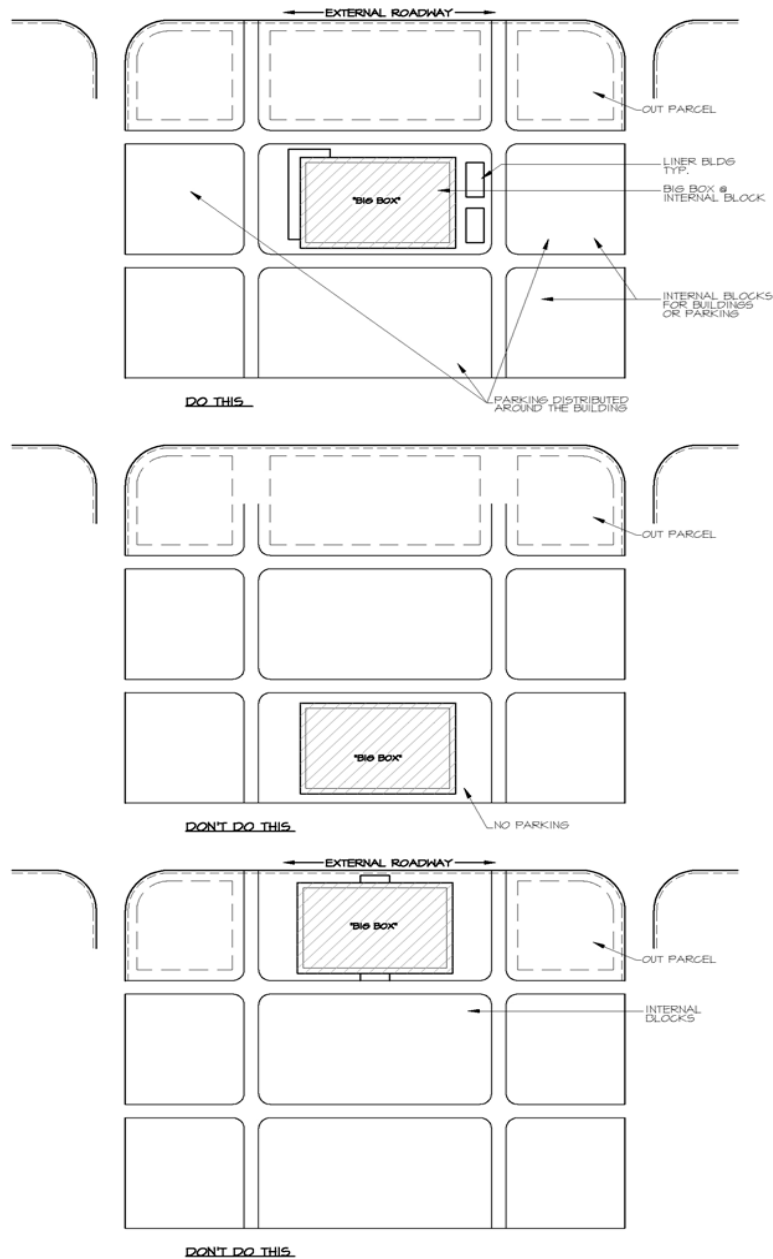
1. Applicability

Big box commercial means a single-use retailer with gross ground floor area of more than 50,000 square feet, or a multi-use development with gross ground floor area of more than 100,000 square feet, excluding outparcel development.

2. Location

- A. Big box commercial is prohibited adjacent to residentially developed property or a zoning district that allows residential uses.
- B. To the extent possible, big box commercial buildings shall be placed in a location that will satisfy functional needs while providing and being aesthetically pleasing for the community, the site, and the developer/retailer. See Figure 5-707.F.2: Big Box Placement Example.

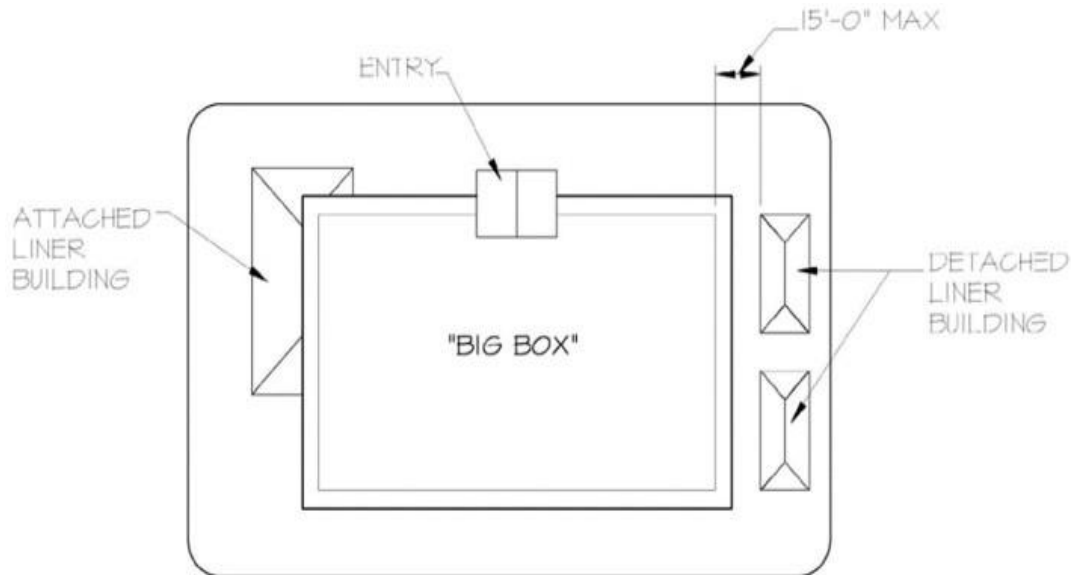
Figure 5-707.F.2: Big Box Placement Example



3. *Big Box Commercial Liner Buildings*

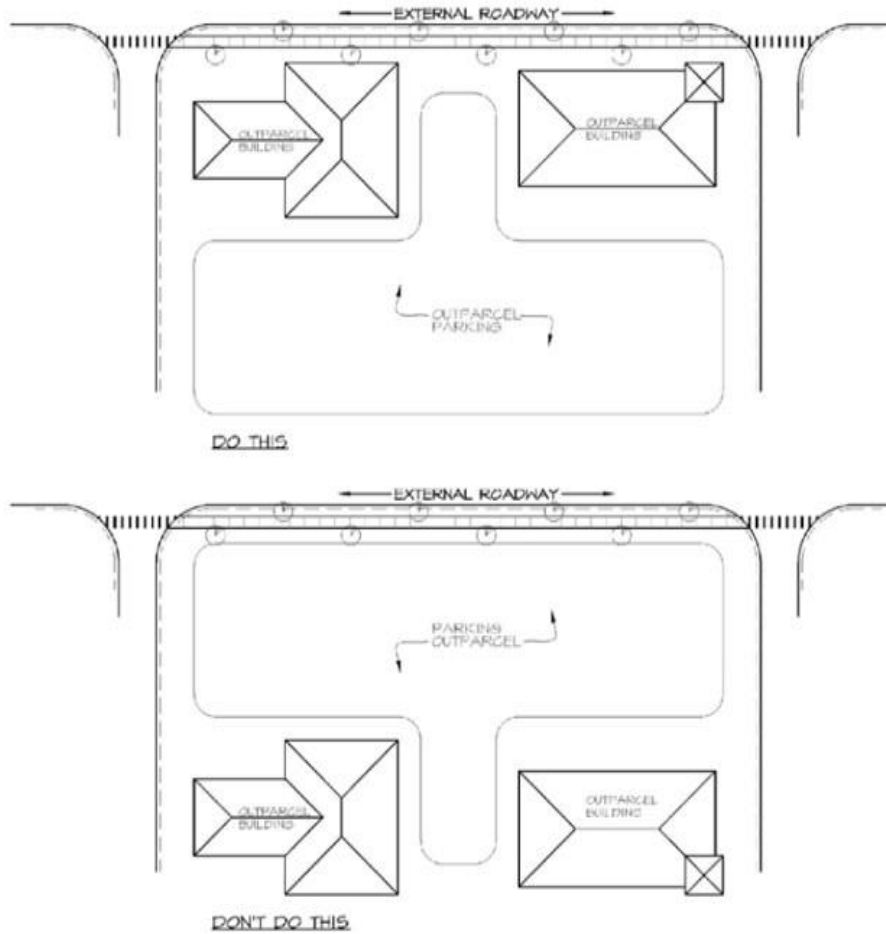
- A. Big box commercial buildings shall provide liner buildings along all primary façades and on a minimum of two sides of the building. See Figure 5-707.F.3: Liner Building Example.

Figure 5-707.F.3: Liner Building Example



- B. The purpose of liner buildings is to break the big box commercial building down into smaller massing elements and conceal any blank walls or façades of the large retail structure while creating scale and architectural character.
 - C. Liner buildings may be placed on any side of the building, but shall be placed along all walls of big box commercial buildings that face public rights-of-way (see Figure 5-707.F.3: Liner Building Example). Liner buildings shall be utilized on a minimum of two sides of each building larger than 50,000 square feet.
 - D. Liner buildings shall cover a minimum of 40 percent of the primary building façade.
 - E. The roof height of a liner structure shall be at least five feet lower or higher than the roof of the related big box commercial building.
 - F. A liner building shall be designed to be complementary to the approved design standards for the project and shall include along its façade a minimum of 15 percent and a maximum of 75 percent glazing.
 - G. Liner buildings may be used by a separate tenant or may be integrated for use by the associated big box user.
4. *Big Box Commercial Outparcels*
- A. Outparcels shall be placed to frame commercial road corridors, creating grand boulevards.
 - B. Projects that exceed 50,000 square feet of retail floor area shall provide a berm or an outparcel pad along collector and arterial roads, with the majority of the parking located behind the building or berm. The berm shall be an average of four feet high and 30 feet wide for 75 percent of the public right-of-way that does not possess an outparcel pad. The berm shall have a minimum of ten trees per 100 linear feet, with a double hedge row. All plantings shall meet standard sizes as required in Section 5-4, Landscape Standards.
 - C. Outparcels may be developed along internal access drive locations provided the majority of the parking is not placed along arterial or collector roadways. See Figure 5-707.F: Outparcel Placement Example.

Figure 5-707.F.4: Outparcel Placement Example



5. *Big Box Commercial Access*

- A. To the maximum extent practicable, access to, from, and within the big box commercial project shall be designed to create:
 - 1. A safe and memorable environment for vehicular and pedestrian access to and from the site;
 - 2. A minimal number of curb cuts on the major arterial roads by providing shared access to adjacent properties; and
 - 3. Convenient, safe, and attractive access around the project for vehicular and pedestrian movement.
- B. Internal access drives/roads to the property shall be developed at minimum intervals of 250 feet and maximum intervals of 1,400 feet in length, creating internal blocks for parking and buildings.
- C. Internal access shall be developed to encourage and support roads with sidewalks and trees, with an average tree separation of 30 feet and a 15-foot wide planting strip with a combination of plants and grass along the road/parking/building edge. The planting in these areas shall not contain more than 30 percent grass.
- D. Internal lanes shall be no less than ten feet in width for each lane.
- E. Street and sidewalk accesses shall be provided up to adjacent properties for future connectivity where not prohibited. The developer may provide an easement agreement in-lieu of the physical interconnection when no development is planned on an adjacent parcel.
- F. Landscaped pedestrian sidewalks shall be provided along the sides of large buildings with adjacent parking lots.

- G. All roads shall terminate at other roads, future roads, or a parking area. Cul-de-sacs or dead-end roads are to be avoided, to the maximum extent practicable.
- H. After 700 linear feet of roadway, five degrees (in plan) deflection or a landscaped median strip (minimum ten feet by 18 feet) shall be designed into the road for traffic calming purposes.
- I. On-street parking is encouraged on internal access roads where a “main street” type of development is desired. For the purposes of this subsection, “main street development” is defined as development where sidewalks and buildings or public spaces (excluding parking lots) are planned for the majority of both sides of the road.
- J. Internal road medians are encouraged. Median widths shall be a minimum of six feet and a maximum of 15 feet in width.
- K. Sidewalks (minimum five feet wide) shall be constructed on at least one side of all internal road or vehicular access areas (exclusive of parking lanes). In the alternative, walkways may be developed through the landscaped median areas, to facilitate access from the sidewalks along the rights-of way, provided the medians are increased by five feet to accommodate the walkway.
- L. Sidewalks along buildings shall be a minimum of eight feet in width, excluding landscaping.
- M. Each building shall be interconnected via a pedestrian pathway.
- N. Development shall be coordinated with LeeTran where transit access is to be provided to the area.

6. *Big Box Commercial Parking*

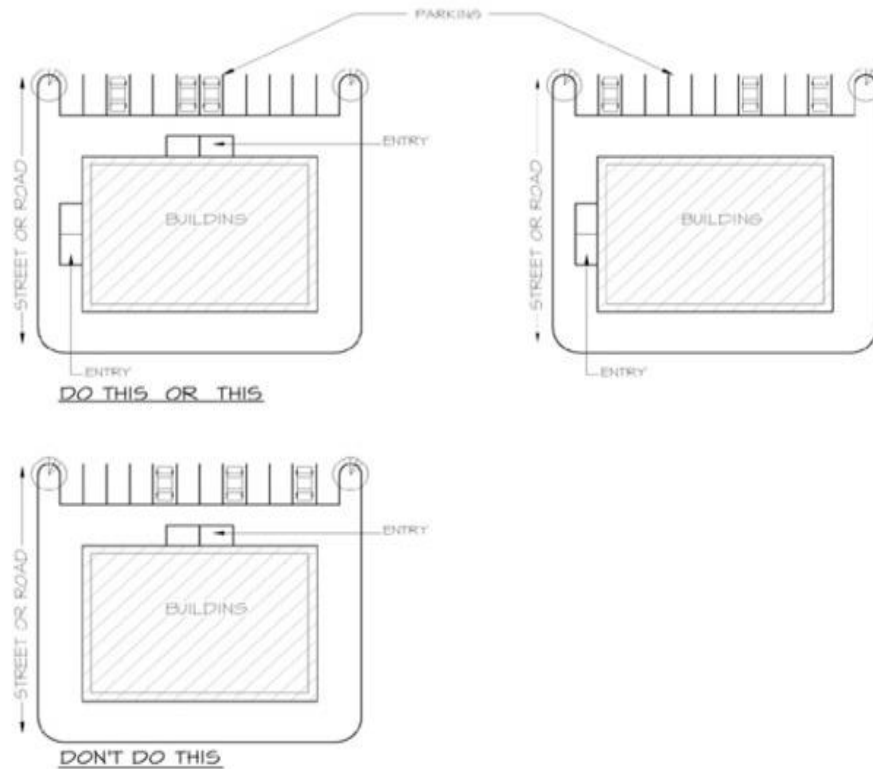
- A. The site shall be developed to create attractive parking areas that provide convenient and safe multimodal movement of vehicular, public transportation, bicycles, and pedestrian traffic.
- B. Parking areas shall be developed into parking pods that do not exceed 120 parking spaces, have a maximum of four entry/exit points, and are separated by a continuous double row hedge and large canopy trees at 30 feet on center.
- C. Parking areas shall provide landscaped islands in accordance with Sec. 5-409, Landscaping of Parking Areas, and Vehicular Access.
- D. Parking shall be distributed on three sides of the big box retail building and away from loading areas. Peak and employee parking areas shall be located on the sides of the building.
- E. All parking areas shall be interconnected.
- F. As an alternative to the parking pod set forth in this subsection, parking areas shall have a Type D buffer separating every four rows of parking, provided the big box building is screened by an outparcel buffer.
- G. The number of parking spaces developed as part of the big box development may not exceed the number of spaces required by Sec. 5-204.B.1, Minimum Number of Off-Street Parking Spaces, unless the increase complies with one of the following:
 - 1. Up to a 20 percent increase in parking spaces may be granted by the Director if:
 - (a) Parking pods are used for all parking on the project site; or
 - (b) All landscaping trees are increased to a minimum of 14 feet, 65-gallon, with a six-foot spread with a four-inch caliper at the time of planting.
 - 2. A parking space increase over 20 percent may be granted by the Director if the number of required trees is increased by 25 percent.

7. *Big Box Commercial Open Space*

- A. To the extent possible, big box commercial development shall be designed to manage open space for public benefit through combining a portion of the required open space into a usable component of the retail center.
- B. A minimum of ten percent of the required open space shall be aggregated together into a usable format called “open space squares.” Retail is encouraged to develop around these squares, when possible.
- C. Open space squares shall be a minimum of 30 feet and a maximum of 65 feet wide.
- D. Open space squares shall be integrated into the site plan as either passive or active spaces.

- E. Open space squares may be interconnected to form a series of usable spaces for the project.
 - F. Open space squares shall be counted towards open space requirements.
- 8. *Big Box Commercial Service and Loading Areas***
- A. To the maximum extent practicable, loading areas shall be designed to diminish both the visual and noise pollution that these facilities can create.
 - B. Loading areas shall either be located out of view from all public roads, or adequately screened.
 - C. When a loading area is facing a public right-of-way, a ten-foot high architecturally screened wall shall be provided on a four-foot berm located within a 25-foot landscaped buffer. Berm and wall breaks are required every 200 feet in order to diminish the height and length of the wall and berm.
- 9. *Big Box Commercial Shopping Cart Storage***
- A. To the extent possible, shopping cart storage shall be concealed from public view.
 - B. Storage of carts shall be behind a wall or landscaped area with 80 percent opaqueness at planting.
 - C. Temporary cart storage in the parking area shall be between two landscaped islands with a double row hedge and two trees.
- 10. *Big Box Commercial Building Design***
- A. To the extent possible, big box projects shall be designed to create buildings that respect the area in which they are located and create a place that is attractive and flexible over time.
 - B. *Unified Massing, Details, and Material*
All buildings within the big box project shall be developed with similar design treatment to create unity among the elements and buildings. This may include, but is not limited to, exterior materials, roof pitches and treatments, colors, proportions, ornamentation, and trim in accord with the design standards for the development.
 - C. If the primary entry does not face a public right-of-way, then additional design elements shall be added to create the appearance of a public entry. See Figure 5-707.F.10.C: Entry Placement Diagram.

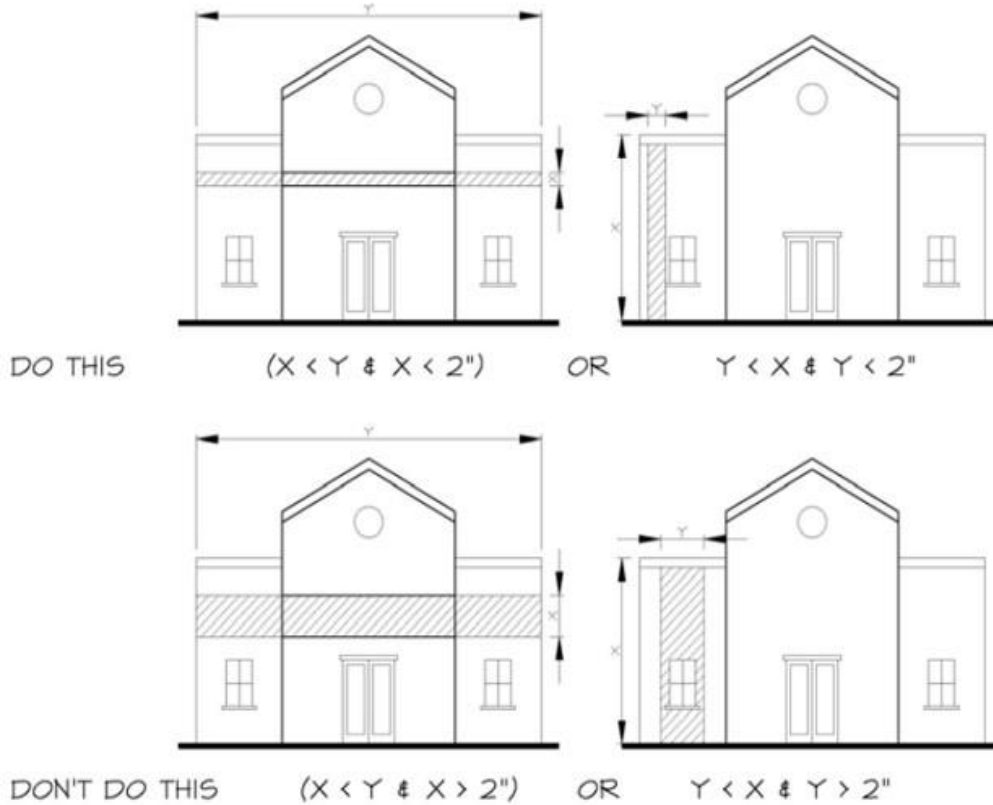
Figure 5-707.F.10.C: Entry Placement Diagram



11. Big Box Commercial Building Façade

- A. The treatment of the front façade shall be continued, in its major features, around all sides of the building. Features shall be carried for a minimum of 15 percent of the nonprimary façade and be attached to the primary façade.
- B. Individual or individual looking exterior façades shall be faced with no more than four cladding materials. These cladding materials shall be combined on the façade in a horizontal manner only (i.e., base of building: one material; middle area: another material; and the top portion: a third type of material).
- C. Metal sided buildings are not permitted except as an accent material that does not exceed ten percent of the building façade.
- D. The ground floor of all building façades facing a public right-of-way shall be detailed and glazed as storefronts.
- E. Storefronts shall have glazed areas equal to at least 15 percent and not more than 75 percent of the ground level portion of the façade when facing a public right-of-way.
- F. Primary and secondary colors on the exterior of buildings shall be restricted to a minimum of two inches for their shortest dimension. See Figure 5-707.F.11.G: Primary and Secondary Accent Colors Diagram.
- G. Outdoor sales areas shall be designed with similar details, colors, and materials used in the primary façades of the building to which the outdoor sales area is attached.

Figure 5-707.F.11.G: Primary and Secondary Accent Colors Diagram

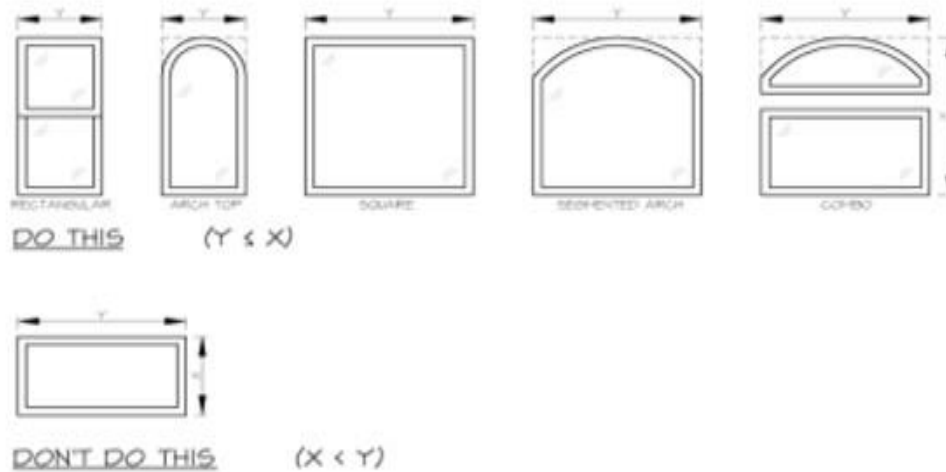


12. Big Box Commercial Windows, Doors, and Other Openings

A. Openings

Windows, doors, arcades, and other openings in the façade shall be squared or vertical in proportion. Arched windows may be approved by the Director as a window or door type if they are square or vertical in their overall proportions. See Figure 5-707.F.12.A: Window Proportions.

Figure 5-707.F.12.A: Window Proportions



B. Windows and Doors

1. "Non-motorized" sliding glass doors and sliding windows are prohibited at ground level.

2. Glass may only be clear or lightly tinted.
 3. Shutters shall be sized and shaped to match the opening to which they are attached.
- C. *Awnings*
1. Awnings shall not have a bottom soffit panel or be backlit.
 2. Awnings shall be sized to match the window or door openings to which they correspond, and shall not extend more than two feet on either side of the opening.
 3. Awnings shall not be used at the corner of buildings to transition from one façade to the next.
- 13. *Big Box Commercial Roofs***
- A. *Pitched Roof*
- All roofs shall be pitched between 30 degrees and 8:12 (unless flat). Ancillary roof structures may be flat or pitched between 30 degrees and 12:12.
- B. *Flat Roof*
- Flat roofs shall have a full parapet at the perimeter of the roof. The parapet shall not be less than 24 inches or exceed 15 feet in height. The height will be measured from the deck of the flat roof to the highest point of the parapet, with the exception of non-habitable architectural elements.
- C. *Roof Changes*
- Roof changes shall occur at a minimum of one per 15,000 square feet, with a minimum of three for any building.
- 14. *Big Box Commercial Walls and Fences***
- A. Walls and fences shall be designed to be complementary to the main façade elements of the building.
 - B. Fences, when not associated within a landscaped double row hedge, shall be solid.
 - C. Wall runs shall not exceed 100 feet in length without a horizontal change of three feet.
- 15. *Big Box Commercial Service Areas***
- Service function areas, including rooftop or ground equipment and dumpster areas, shall be fully screened and out of public view from ground level.

SECTION 5-8. GREEN BUILDING STANDARDS

5-801. PURPOSE AND INTENT

The purpose of this section is to ensure development in the Village includes a minimum degree of green building features as a means of protecting and conserving resources and reducing greenhouse gas emissions by:

- A. Conserving energy;
- B. Promoting the use of alternative energy;
- C. Conserving water resources;
- D. Protecting water quality;
- E. Supporting walkable urbanism;
- F. Supporting a variety of mobility options;
- G. Promoting a healthy landscape;
- H. Supporting urban agriculture;
- I. Encouraging innovative, environmentally friendly building practices;
- J. Reducing landfill waste; and
- K. Promoting healthy and active lifestyles.

5-802. APPLICABILITY

- A. Unless exempted in accordance with subsection B below, the standards of this section shall apply to all new development.
- B. The following are exempt from the standards of this section:
 - 1. Residential development that contains fewer than six dwelling units;
 - 2. Nonresidential development with a gross floor area of less than 8,000 square feet;
 - 3. Buildings that have achieved requirements necessary to receive certification from the U.S. Green Building Council at the LEED® Gold level or above, or an equivalent level of development performance under an alternative rating system such as the National Green Building Standard™/NGBS Green or the International Code Council’s International Green Construction Code, as determined by the Director; and
 - 4. Remodels, alterations, or expansions of an existing building.

5-803. GREEN BUILDING STANDARDS

A. Minimum Amount of Points Required

Development subject to the standards of this section shall achieve the following minimum number of points from the menu of options shown in Table 5-803.B: Green Building Point System.

- 1. *Minimum Requirements for Residential Development*
 - A. 6 to 29 units: 3 points.
 - B. 30 or more units: 4 points.
- 2. *Minimum Requirements for Nonresidential Development*
 - A. 8,000 to 25,000 square feet: 3 points.
 - B. More than 25,000 square feet: 4 points.

B. Green Building Point System

Development subject to the standards of this section shall use Table 5-803.B: Green Building Point System, to determine compliance with this section.

TABLE 5-803.B: GREEN BUILDING POINT SYSTEM	
Development Feature	Points Earned
Location of Development and Redevelopment/Adaptive Reuse	
Development in the Town Center-PD or TMU-PD	1.00
Adaptive reuse of a designated historic building	1.00
Energy Conservation	
Meet ASHRAE standards for lighting	0.75
Meet Energy Star standards for low-rise residential or exceed ASHRAE efficiency standards by 15 percent	1.00
Home energy rating system (HERS) index greater than 90 and less than or equal to 95	0.50
HERS index greater than 85 and less than or equal to 90	0.75
HERS index greater than 75 and less than or equal to 85	1.00
HERS index less than or equal to 75	1.50
Stated water heater efficiency between 0.675 and 0.82	0.75
Stated water heater efficiency of 0.82 or more	1.25
Air conditioner with stated efficiency greater than 14 SEER is included as standard	0.75
Air conditioner with stated efficiency greater than 16 SEER is included as standard	1.25
Install a “cool roof” on a minimum of 50 percent of the rooftops in the development or subdivision; the “cool roof” shall cover the entire roof of the dwelling or nonresidential building	1.50

TABLE 5-803.B: GREEN BUILDING POINT SYSTEM	
Development Feature	Points Earned
Provide skylights in an amount necessary to ensure natural lighting is provided to at least 20 percent of the habitable rooms in the structure	0.50
Use central air conditioners that are Energy Star qualified	0.50
Use only solar or tank-less water heating systems throughout the structure	0.50
Alternative Energy	
Generate or acquire a minimum of 50 percent of the electricity needed by the development from alternative energy sources (e.g., solar, wind, geothermal)	2.00
Generate or acquire a minimum of 25 percent of the electricity needed by the development from alternative energy sources (e.g., solar, wind, geothermal)	1.00
Pre-wire a minimum of 75 percent of residential dwelling units in the development for solar panels	1.00
Pre-wire a minimum of 50 percent of residential dwelling units in the development for solar panels	0.50
Pre-wire a minimum of 25 percent of residential dwelling units in the development for solar panels	0.25
Install solar panels on a minimum of 50 percent of dwelling units contained in single-family, two family, townhouse, or multi-family dwellings	1.50
Install solar panels on a minimum of 75 percent of dwelling units contained in single-family, two-family, townhouse, or multi-family dwellings	2.00
Install solar panels on primary structure, and at least 50 percent of buildings in a nonresidential development	1.50
Install solar panels on primary structure, and at least 75 percent of buildings in a nonresidential development	2.00
Install solar panels on 100 percent of buildings in a nonresidential development	2.50
LEED Certification or Equivalent	
Construct the principal building(s) to meet or exceed LEED® Bronze certification or equivalent standards of the National Green Building Standard™/NGBS Green or the International Code Council's International Green Construction Code	1.50
Construct the principal building(s) to meet or exceed LEED® Silver certification or equivalent standards of the National Green Building Standard™/NGBS Green or the International Code Council's International Green Construction Code	2.50
Passive Solar	
Orient a minimum of 75 percent of the single-family detached or two-family dwellings or lots in the development within 20 percent of the east-west axis for maximum passive solar exposure	2.00
Orient a minimum of 50 percent of the single-family detached or two-family dwellings or lots in the development within 20 percent of the east-west axis for maximum passive solar exposure	1.50
Orient a minimum of 25 percent of the single-family detached or two-family dwellings or lots in the development within 20 percent of east-west for maximum passive solar exposure	0.75
Orient at least 50 percent of the nonresidential buildings in a development with an axis oriented within 20 percent of east-west for maximum passive solar exposure	1.50
Orient at least 25 percent of the nonresidential buildings in a development with an axis oriented within 20 percent of east-west for maximum passive solar exposure	1.00
Water Conservation and Water Quality	
Design all areas required to be landscaped as an integrated system to meet on-site stormwater quality requirements for the development through incorporation of low-impact development design principles and use of best management practices for on-site stormwater management. These areas shall use vegetated	2.50

TABLE 5-803.B: GREEN BUILDING POINT SYSTEM	
Development Feature	Points Earned
pervious surfaces or other measures such as permeable pavements to infiltrate the capture of water volume on-site. Piped conveyances must discharge to pervious areas.	
Use low-impact development techniques, including but not limited to grass buffers and swales or bioretention (rain garden or porous landscape detention, sand filters, and permeable pavement systems) to meet half of stormwater management requirements	1.00
Install a green/vegetated roof on the primary structure, or on at least 50 percent of primary buildings in a multi-building complex; green/vegetated roofs shall include vegetation on at least 50 percent of the roof area and shall use only plant materials permitted by Section 5-4, Landscape Standards	1.50
All showerheads and handheld showers achieve 2.0 GPM or less	0.50
All lavatory faucets flow rate is 1.5 GPM or less at 60 PSI	0.50
All toilets are 1.28 GPF or less	0.50
All toilets have dual activated flushing	1.00
Include rainwater capture and re-use devices such as cisterns, rain filters, and underground storage basins for residential development with a minimum storage capacity of 500 gallons for every two residential units	0.50
Vegetation	
Remove all lawn or turf in favor of ground cover consisting of plant material or mulch	1.00
Limit turf grass to 30 percent of the landscaped area	0.50
Urban Agriculture	
Provide a fenced, centrally located community garden space for residents and for urban gardening purposes at a ratio of 50 square feet per dwelling unit	1.00
Provide a minimum of one on-site composting station for every 25 units	0.25
Building Materials	
Source a minimum of 25 percent, by cost, of construction materials from recycled products or products manufactured, extracted, harvested, or recovered within 250 miles of the site	1.50
Source a minimum of 40 percent, by cost, of construction materials from recycled products or products manufactured, extracted, harvested, or recovered with 250 miles of the site	2.50
Universal Design	
Provide the following universal design features in 33 percent of the residential units in the development: <ul style="list-style-type: none"> • A no-step entry on an accessible route to the unit; • First floor kitchen, bathroom, and a bedroom; • The following elements to allow maneuvering space: <ul style="list-style-type: none"> • A 32-inch clear opening at doorways; • A 36-inch clear passage; • 42-inch wide hallways; and • 30-inch x 48-inch clear space next to bathroom sink, tub/shower and toilet; • Blocking in bathroom walls to accommodate grab bars, and grab bars in the first floor bathroom; and • Reachable outlets and switches. • Grab bars in first floor bathroom(s) by commode and in shower(s); • Handicap accessible shower in first floor bathroom(s); and • Raised toilet seats in first floor bathroom(s). 	1.00
Provide the following universal design features in 66 percent of the residential units in the development: <ul style="list-style-type: none"> • A no-step entry on an accessible route to the unit; • First floor kitchen, bathroom, and a bedroom; 	2.00

TABLE 5-803.B: GREEN BUILDING POINT SYSTEM	
Development Feature	Points Earned
<ul style="list-style-type: none"> • The following elements to allow maneuvering space: <ul style="list-style-type: none"> • A 32-inch clear opening at doorways; • A 36-inch clear passage; • 42-inch wide hallways; and • 30-inch x 48-inch clear space next to bathroom sink, tub/shower and toilet; • Blocking in bathroom walls to accommodate grab bars, and grab bars in the first floor bathroom; and • Reachable outlets and switches. • Grab bars in first floor bathroom(s) by commode and in shower(s); • Handicap accessible shower in first floor bathroom(s); and • Raised toilet seats in first floor bathroom(s). 	
Transportation	
Provide a minimum of five percent of required automobile parking spaces that are signed and reserved for hybrid/electric/low energy vehicles in preferred locations near the primary building entrance	0.50
Provide an electric vehicle (EV) level 2 charging station that is made available to those using the building	1.00
Provide an electric vehicle (EV) level 3 charging station that is made available to those using the building	1.50
NOTES:	
[1] Standard for the Design of High-Performance Green Buildings, American Society of Heating, Refrigerating, and Air-Condition Engineers, 2014, as amended, or other appropriate ASHRAE standards, as amended.	
[2] Energy Standard for Buildings Except Low-Rise Residential, American Society of Heating, Refrigerating, and Air-Condition Engineers, 2016, as amended, or other appropriate ASHRAE standards, as amended.	

C. Documentation Required

Applicants shall provide documentation of techniques that will be used to satisfy the green building standards of this section at the time of submittal of a development application. Documentation for items that may not be visually verified as part of an inspection may be provided in the form of invoices, receipts, or delivery confirmation for the items in question.

5-804. FAILURE TO INSTALL OR MAINTAIN GREEN BUILDING ELEMENTS FOR COMPLIANCE

Failure to install or maintain approved green building elements that are to be provided to comply with this section is a violation of this LDC, and may result in revocation of the development approval or permit.

SECTION 5-9. PLAT STANDARDS

5-901. PURPOSE AND INTENT

A. The purpose of this section is to provide for the proper and orderly subdivision and recording of plats in compliance with the site development and dimensional standards in this LDC, and applicable state law.

5-902. APPLICABILITY

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

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

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 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.

5-903. PLAT STANDARDS

- A. All land subject to this section shall be subdivided, and have a plat of the entire parcel of land that complies with Ch. 177 pt. I, Fla. Stat., Platting, and the Administrative Manual. The subdivision plat shall be recorded in the official records of Lee County, prior to the approval of a building permit. Review copies of the plat shall be submitted with a development order or limited development order application, as applicable.
- B. The initial plat submittal shall include a boundary survey of the lands to be platted, in accordance with Sec. 177.041, Fla. Stat.
- C. Plats are not required for an initial lot split granted as part of a Type E Limited Development Order (see Sec. 2-502.B, Limited Development Order) However, if, subsequent to an initial lot split, an additional lot split is requested, and that lot split results in the creation of more than four lots out of the original parent parcel as the parent parcel existed on January 28, 1983, then a plat in accordance with subsection A above is required.
- D. A building permit may be issued for model buildings and sales centers prior to recording of the plat, if evidence of unified control is provided and any certificate of occupancy issued for the development is only for model buildings or sales use, until the plat is recorded.
- E. Where a division of land will result in the creation of three or more lots out of a parent parcel that existed on January 28, 1983, where the lots did not previously require a plat:
 1. The plat required as a result of the additional lot split shall include all lots that were part of the parent parcel as it existed on January 28, 1983. However, if all parcels are not under common ownership with the parcel subject to the additional lot split, the applicant shall provide proof that the applicant made a bona fide, good faith effort to request, by certified mail, return receipt requested, that the property owners of lots not under common ownership be included in the plat, and those property owners refused to consent to the plat, or the current property owner failed to respond to the applicant's request after a reasonable time for a response.
 2. Where a property owners' association covering portions of the parent parcel has been formed to provide for the maintenance of common infrastructure, the owners of the lot to be created shall provide documentation consenting to become a member of the association.
 3. All platted parcels, including residual parcels, shall conform to the minimum regulations and requirements of this LDC for the zoning district in which the parcel is located.

5-904. LOT STANDARDS

A. General

The dimensions and area of a lot shall comply with the minimum requirements of the zoning district in which it is located in accordance with Chapter 3: Zoning Districts.

B. Double Frontage Lots

Double frontage lots shall be permitted only where necessary to separate a development from an arterial or collector street or to overcome a disadvantage of topography and orientation.

C. Lot Lines

Side lot lines shall be, as nearly as practical, at right angles to straight street lines and radial to curve street lines. Side lot lines and rear lot lines shall, where practical, consist of a straight line segment

(this provision shall not apply to new platted lots). The Director may waive or modify this standard upon a showing of good cause, including, but not limited to, the following factors:

1. Unusual size or shape;
2. The size of lots;
3. Existing ownership and development patterns;
4. The location of existing structures on the lot(s); and
5. Natural or man-made site features.

5-905. MONUMENTS

A. Permanent Reference Monuments (PRMs)

1. Permanent reference monuments (PRMs) shall be placed as required by Ch. 177, Fla. Stat., and approved by a licensed, registered state professional land surveyor on the boundary of all development.
2. PRMs shall be set in the ground so that the top is flush or no more than one-half foot below the existing ground. Subsurface PRMs shall be exposed for inspection when a plat is submitted for review. If development of the subdivision occurs after a plat is reviewed, the PRMs shall be raised or lowered to be flush or no more than one-half foot below the finished ground. Subsurface PRMs shall be exposed for inspection at the time of final inspection of the development.

B. Permanent Control Points (PCPs)

Permanent control points (PCPs) shall be installed in accordance with Ch. 177, Fla. Stat. When a plat is recorded prior to construction of the subdivision improvements, the PCPs shall be set following completion of construction. The surveyor shall certify that the PCPs are set, shall record the certification in the official record books of Lee County, and shall provide proof of recordation to the Village.

C. Monuments

Monuments shall be installed in accordance with Sec. 177.091(9), Fla. Stat.

5-906. LOT RECOMBINATION

The Director may approve the combination or recombination of platted lots of record created through a plat recorded in the official records of Lee County, provided the density established through the original plat is not increased and the resulting lots comply with all applicable requirements of this LDC.

A. Application

The application for a lot recombination shall be made in writing on the form provided by the Director. The application shall include:

1. A copy of the plat book and page, if applicable;
2. Copies of the most recent deeds for all of the affected lots;
3. Copies of the deeds establishing that the lots are lots of record, if the lots are unplatted;
4. A statement signed by the applicant, under oath, stating the applicant is the owner or the authorized representative of the owner of the property and has authority to process the application on behalf of the owner;
5. An area location map;
6. A survey sketch showing the existing and proposed lot lines and the existing and proposed legal descriptions of the affected lots; and
7. A written explanation of the reasons for the request.

B. Relocation of Easements

All easements that are affected by a proposed lot recombination shall be vacated and relocated, if applicable, in accordance with state law.

C. Not a Division

The combination of two or more lots of record into one lot is not a “division,” and is not subject to the approval process described in this section. However, any easements that are affected by a lot combination shall be vacated and relocated, if applicable, in accordance with state law.

5-907. STREET NAMES

Street names shall not be used which will duplicate or be confused with the names of existing streets. New streets that are an extension of or in alignment with existing streets shall bear the same name as the existing streets. All courts and circles shall have one name only. All proposed street names shall be approved in writing by Lee County E911 Addressing and the Director and be indicated on the plat, if any, and on the site plan.

SECTION 5-10. UTILITIES

5-1001. GENERAL STANDARDS

- A. Development shall be designed to provide sufficient potable water and sanitary sewage services to prevent potential hazards to the health, safety, and welfare of the public, in accordance with the requirements of this section
- B. Where a development is not required to connect a potable water system operated by a potable water utility in accordance with Sec. 5-1002, Potable Water Systems, or is not required to connect to a sanitary sewer service operated by a sewer utility in accordance with Sec. 5-1003, Sewer Systems, the water and sewage systems proposed to serve that development must be of sufficient capacity for the intended initial uses, and provisions must be made for expansion, increased capacity, and extensions for any future uses through appropriate and binding legal commitments, including the commitment to connect to a central system at such time as it is created or extended to the development in accordance with this section.
- C. Public water systems and public sewage systems shall be designed and constructed in accordance with Village, state, and federal standards, including the domestic requirements established by the appropriate state agency and the fire protection requirements established by the Uniform Fire Code (Sec. 6-551 et seq., Code of Ordinances), which is incorporated herein by reference. Public water systems and public sewage systems shall also be designed to the standard specifications and other requirements of the franchised utility provider which will provide service.
- D. A public sewage system, which shall be designed by a Florida licensed engineer, shall be designed, constructed, and maintained so it does not adversely affect the water quality of any existing stream, lake, or underground aquifer.
- E. No development order or limited development order, as appropriate, shall be issued for any development until provisions for sanitary sewage disposal and potable water service are made that satisfy the requirements of this section and the Florida Department of Health (FDOH) and the Florida Department of Environmental Protection (FDEP), as applicable.
- F. Sewage systems and potable water systems shall comply with the following general location and installation standards:
 - 1. All treatment facilities shall be located and constructed to minimize noise, odor, and other effects and impacts on the public health, safety, and welfare.
 - 2. All aboveground or partially aboveground facilities (active or passive) shall be set back at least 100 feet from any perimeter property line.
 - 3. Belowground disposal facilities (drainfields, mound drainfields, injection wells, etc.) shall be set back at least 50 feet from the nearest residential lot.
 - 4. The location of all facilities shall be in accordance with all applicable Village, state, and federal regulations.

5-1002. POTABLE WATER SYSTEMS

A. Connections Required

1. The following types of developments, when located within the boundaries of a certificated or franchised service area of any potable water utility, or within the County utilities' future water service areas as delineated on Map 6 in the Lee Plan, shall connect to that respective potable water system:
 - A. Any residential development that exceeds 2.5 dwelling units per gross acre, except for a development that contains fewer than ten dwelling units in any phase or combination of phases located more than one-quarter mile from a point of connection;
 - B. Any commercial or industrial development that exceeds 30,000 square feet of gross floor area or that will use more than 5,000 gallons per day of water;
 - C. Any commercial or industrial development that will use more than 1,000 gallons per day of water that is located within 50 feet of a connection point, as measured from the property line;
 - D. Any commercial or industrial subdivision consisting of more than five lots located less than one-quarter mile from a point of connection; and
 - E. Any residential, commercial, or industrial development of any size where central water lines are or will be located in a public right-of-way or easement adjacent to any portion of the property and are made available for connection within 90 days of the issuance of the development order or limited development order, as appropriate.
2. The provisions of this subsection become effective for each investor-owned utility upon the execution of an agreement with the Village demonstrating the availability of an equitable program of rebatable agreements.

B. Private Systems

If the proposed development is not required to connect to a potable water system in accordance with subsection A above:

1. A development order, limited development order, or plat, as appropriate, may be issued upon satisfactory documentation that the development will itself provide water service in accordance with the regulations of the FDOH, the FDEP, and the SFWMD.
2. It is agreed that the private system approved under subsection 1 above shall be removed or abated, and connection to the public potable water system shall be made within 90 days from the date the public utility provides written notice to the property owner that potable water service is installed in a public right-of-way or easement adjacent to any portion of the property at the boundary of the development, is available for connection, and that connection is mandatory. An appropriate bond or equivalent security may, at the utility's option, be tendered to the affected utility to ensure compliance; and
3. The private water system shall comply with Ch. 64E-8, F.A.C.

5-1003. SEWER SYSTEMS

A. Connections Required

1. The following types of developments, when located within the boundaries of the certificated or franchised service area of any sewer utility, or within the County utilities' future sewer service areas as delineated on Map 7 in the Lee Plan, shall connect to that respective sewer system:
 - A. Any residential development that exceeds 2.5 dwelling units per gross acre, except for a development that contains fewer than ten dwelling units in any phase or combination of phases located more than one-quarter mile from a point of connection;
 - B. Any commercial or industrial development that exceeds 30,000 square feet of gross floor area or that will generate more than 5,000 gallons per day of sewage;
 - C. Any commercial or industrial development that will generate more than 1,000 gallons per day of sewage that is located within 50 feet of a connection point, as measured from the property line;
 - D. Any commercial or industrial subdivision consisting of more than five lots located less than one-quarter mile from a point of connection; and

- E. Any residential, commercial, or industrial development of any size where central sewer lines are or will be located in a public right-of-way or easement adjacent to any portion of the property and made available for connection within 90 days of the issuance of the development order or limited development order, as appropriate.
2. The provisions of this subsection become effective for each investor-owned utility upon the execution of an agreement with the Village demonstrating the availability of an equitable program of rebatable agreements.

B. Private Systems

If the proposed development is not required to connect to a sewer system in accordance with subsection A above:

1. A development order, limited development order, or plat, as appropriate, may be issued upon satisfactory documentation that the development will itself provide sanitary sewer service in accordance with the requirements of the FDEP, or on-site sewage disposal in accordance with the requirements of the FDOH.
2. It is agreed that the private system approved under subsection 1 above shall be removed or abated and connection to the utility shall be made within 90 days from the date the utility provides written notice to the property owner that sanitary sewer service is installed in a public right-of-way or easement adjacent to any portion of the property at the boundary of the development, is available for connection, and that connection is mandatory. An appropriate bond or equivalent security may, at the utility's option, be tendered to the affected utility to ensure compliance.
3. The private sewage disposal system shall comply with Ch. 64E-6, F.A.C.

5-1004. REUSE WATER SYSTEMS

- A. Wherever technically feasible, the irrigation of grassed or landscaped areas shall be provided for through the use of a second water distribution system supplying treated wastewater effluent or reuse water. This reuse water system shall be separate and distinct from the potable water distribution system and shall be constructed and operated in accordance with the rules of FDEP and Ch. 62-610, F.A.C.

B. Use of Reuse Water

1. A proposed development shall be designed to maximize the use of reuse water if the following conditions are met:
 - A. The proposed development is located in the franchised or certified service area of a sanitary sewer utility, or within the Village's or County's future sanitary sewer service area;
 - B. The sanitary sewer utility is able to supply reuse water;
 - C. The reuse water supplied by the sanitary sewer utility is of a quality and quantity commensurate with the irrigation needs of the proposed development; and
 - D. The nearest property line of the development is located within one-quarter mile of the reuse distribution system.
2. Any proposed development which is planned to rely on a private on-site wastewater treatment facility and whose design average daily flow is 100,000 gallons per day or more shall be designed to maximize the use of reuse water from the on-site wastewater plant.
3. Reuse water may also be utilized for all uses permitted under state law.

5-1005. EASEMENTS

A. General standards

1. *Water Distribution and Sewer Collection Lines*
 - A. Water distribution and sewage collection lines shall not be installed under the paved traveled way of any arterial or collector street unless it is necessary that the lines cross under the street. Unless otherwise permitted by the Village, water distribution and sewage collection lines that cross under arterial or collector streets shall be installed perpendicular to the street and shall comply with the requirements of the Lee County Administrative Code for utility construction activities in either County-owned or County-maintained or Village-owned or

- Village-maintained street and drainage rights-of-way and easements. Water distribution lines and sewage collection lines shall not be installed in street rights-of-way or roadway easements unless the installation does not interfere with the ultimate cross section of the roadway and drainage within the right-of-way. Water distribution lines shall be located to accommodate future expansion of arterial and collector streets. For all new local streets or accessways in proposed developments, a minimum ten-foot-wide utility easement shall be provided on both sides of those streets or accessways; actual width shall be determined on a case-by-case basis so as to be accommodated within the utility easements.
- B. Water distribution lines shall be installed at the edge of the street right-of-way or street easement or outside of the right-of-way if the water distribution line will conflict with the ultimate cross section of the street.
 - C. Sewage collection lines may be installed under the traveled way of local streets. Sewage collection lines shall be installed at the edge of street rights-of-way for arterial or collector streets or outside of the right-of-way if the sewage collection lines will conflict with the ultimate cross section of arterial or collector streets.
2. Utility easements shall be shown on the approved development order or limited development order, as appropriate, and power lines, telephone lines, television lines, and gas lines shall be installed within the easements. Water distribution lines and sewage collection lines shall be installed within the right-of-way or within the easements as noted in subsection 1 above.

B. Extension of Existing Utilities

The extension of existing utilities shall be in accordance with the prevailing conditions as they exist, provided no conflict is created after consideration is given to the ultimate cross section of the roadway and drainage within the right-of-way as determined by the Director. For new developments, where no physical or design conflict would be created, and where it is not prohibited by the regulations of FDOT, the Lee County Department of Transportation, FDEP, or FDOH, potable water mains shall be located on the north and west sides of the right-of-way or roadway, and sanitary sewer gravity or pressure lines, force mains, and reuse water distribution mains shall be on the side opposite that in which potable water is installed. An illustrative cross-section is included in Appendix D, Section I, Utility Placement in Local Roads. If it is determined after consultation with the Director that a conflict with the ultimate cross section is created by the utility, then the proposed utility extensions shall be offset to an easement that is not within the right-of-way when the proposed extension is to be constructed.

1. Easements

A. Easements along rear lot line

When a utility company requests a utility easement along rear lot lines, the easement shall be 16 feet in width and shall be centered on the rear lot line through any block where lots are back to back, or eight feet in width where the adjacent land is vacant or subdivided, or ten feet in width and adjacent to the rear lot line when the adjacent property is a street right-of-way or street.

B. Easements along side lot line

When a utility company requests a utility easement along a side lot line, the easement shall be a minimum of 12 feet in width and shall be centered on the lot line.

C. Easements along drainage easement

When a utility company requests a utility easement along a side or rear lot line and there is to be a drainage easement along that lot line, the utility easement shall be provided adjacent to, and in addition to, the drainage easement.

2. Reduction or waiver of requirements

The width of the utility easements otherwise specified in this section may be reduced, or the requirement for the utility easements may be eliminated, or the number and location of the utility easements may be reduced or modified, if all of the applicable utility companies state, in writing, that the easement may be eliminated or reduced in width. This reduction or waiver of the utility easement requirements may only be addressed at time of approval of a development order, limited development order or plat, as applicable.

5-1006. MAINTENANCE AND OPERATION

- A. Where the developer provides a public water or sewage system, the treatment plants, lines, and all other appurtenances shall be maintained and operated through a covenant which runs with the land, in the form of, but not limited to, deed restrictions, a homeowners' or condominium association, or such other legal mechanisms as will assure the beneficiaries of the service that the plant will be continually operated and maintained. Such operation and maintenance shall be in accordance with the rules and regulations of FDEP.
- B. Regardless of the method chosen to provide for the continual maintenance and operation of the plant, the beneficiaries of the service shall be provided with a legal right to enforce this assurance that the plant shall be continually operated and maintained.

5-1007. INSPECTION

- A. The Director shall periodically inspect all construction of water and sewage systems, including systems not to be dedicated to the public.
- B. The Director shall immediately call to the attention of the developer and the developer's engineer any failure of work or material.
- C. The Village Council, at the recommendation of the Director, may suspend work that is not in conformity with approved plans and specifications, and shall require inspections, as necessary.
- D. After required improvements have been installed, the developer's engineer shall be required to submit certification, including as-built drawings, to the Village that the improvements have been constructed substantially according to approved plans and specifications.
- E. Approval of completed water and sewage system improvements shall be given in writing by the franchiser to the Director.

5-1008. PIPING MATERIALS

Approved utility piping materials for use in rights-of-way are identified in Appendix E: Piping Materials.

SECTION 5-11. FIRE SAFETY

5-1101. GENERAL STANDARDS

All development shall include an adequate fire protection system. Fire protection systems and public water systems shall be designed by a Florida Registered Engineer and constructed in accordance with Village, state, and federal standards, including the domestic requirements established by the appropriate state agency and the fire protection requirements established by the Florida Prevention Fire Code.

5-1102. APPLICABILITY AND INTERPRETATION

- A. The provisions of this section apply to all development within the Village.
- B. Formal interpretations on water supplies and fire department access shall be made by the Director in consultation with the appropriate Fire Marshal.

5-1103. MINIMUM STANDARDS FOR ALL DEVELOPMENTS

A. Fire Department Access

Suitable Fire Department access shall be provided to all structures in accordance with the provisions contained in Chapter 18.2, Florida Fire Prevention Code (NFPA 1, FIRE CODE, FLORIDA current edition). Exceptions to this requirement may be permitted where, in the opinion of the Director, in consultation with the appropriate Fire Marshal, a modified Fire Department access is required due to size, construction, location, or occupancy of a building

B. Fire Flows

Fire flows for all development shall be determined according to these standards before the issuance of a development order, limited development order, or plat, as appropriate.

1. The Engineer, Contractor, or Installer of water supply systems in new development shall demonstrate, by actual test, that the capacity of the water supply system will meet fire protection design requirements as set forth in Chapter 18.4, Florida Fire Prevention Code (NFPA 1, FIRE CODE, FLORIDA current edition).
2. A fire flow of the existing public water system shall be made before the issuance of a development order, limited development order, or plat, as appropriate, for all developments in or within one-quarter mile of an existing public water system.
3. Fire flow tests shall be witnessed by the Fire Department and other authorities having jurisdiction.
4. A minimum flow in all cases shall be 1,000 gallons per minute with a 20 pounds per square inch residual.
5. Development not capable of delivering the required fire flow shall provide automatic sprinkler systems in accordance with all current state and local codes. Alternatively, the Director, in consultation with the appropriate Fire Marshall, may allow developments not capable of delivering the required fire flow to provide an additional source of water for fire protection in accordance with Sec. 5-1104 below.
6. *Reductions in Fire Flow Requirements*

Fire flow requirements may be reduced if the building is protected by an automatic sprinkler system installed in accordance with all state and Village codes.

 - A. The fire flow requirement may be reduced in accordance with Sections 18.4.5.1 and 18.4.5.2, Florida Fire Prevention Code (NFPA 1, FIRE CODE, FLORIDA current edition) for one- and two-family dwellings and buildings other than one- and two-family dwellings, respectively.
 - B. The fire flow requirement for one- and two-family dwelling units may be reduced by 25 percent when the units are separated by a minimum of 30 feet.

C. Water Main Installation

Water main installation shall be provided in accordance with the following standards:

1. Water mains for one- and two-story residential buildings consisting of between one and six dwelling units per building shall be no less than eight inches in diameter, and constructed in an external loop connected to intersecting water mains at a maximum distance of 1,500 feet.
2. Water mains for all commercial buildings and for residential buildings with more than six dwelling units per building or more than two stories in height shall be no less than ten inches in diameter, and shall be constructed in an external loop system with intersecting water mains installed every 2,000 feet.
3. Water mains for all industrial areas and all hazardous storage areas shall be no less than 12 inches in diameter and constructed in an external loop system with intersecting water mains installed every 2,000 feet. Fire hydrants shall be installed on intersecting water mains.
4. The maximum allowed dead-end water line shall be no longer than one-half the distance required between intersecting water mains.
5. Any water main along an arterial street or considered by the utility company to be a main transmission line shall be sized to accommodate future growth, but in no case be less than specified in this section. A letter of approval from the utility company will be acceptable evidence of conformance with this requirement.
6. The applicant may submit a request to the Director for a deviation in accordance with Sec. 2-506.C.2, Administrative Deviation, for alternatives to line sizing, dead-end and intersecting water main criteria if they embody sound engineering practices and are demonstrated by the applicant's professional engineer.

D. Fire Hydrant Design and Spacing

The design and maximum spacing of fire hydrants shall be in accordance with the following standards.

1. Fire hydrants are required for all development provided with a public water system.
2. Fire hydrants shall be installed so that the 4½-inch streamer connection is no less than 18 inches and no more than 24 inches above finished grade.

3. Fire hydrants shall be located within ten feet of the curb line of fire lanes, streets, or private roads when installed along such accessways.
4. Fire hydrant spacing shall be determined using the last available hydrant on the public water system as the PCP.
5. Fire hydrant spacing for all development shall be measured along the centerline of the road. For the purposes of this subsection, the term “road” includes all road frontage, including roadways, drives, streets, avenues, or any other road designation. Also included shall be any private drive designated as required Fire Department access. Fire hydrants shall be spaced at no greater than the distances indicated in Table 5-1103.D: Fire Hydrant Spacing Standards.

TABLE 5-1103.D: FIRE HYDRANT SPACING STANDARDS [1, 2, 3]			
Use	Size	Special Notes or Regulations	Fire Hydrant Spacing
Residential	1-2 du/building		800 feet apart
	3-6 du/building	(a) and (c)	600 feet apart
	7+ du/building	(c)	400 feet apart
Commercial	Any	(c)	400 feet apart
Industrial	Any	(b) and (c)	300 feet apart
NOTES			
[1] For multifamily buildings taller than two stories, the maximum fire hydrant spacing shall be 400 feet apart.			
[2] For all hazardous storage areas, the maximum fire hydrant spacing shall be provided in accordance with the industrial standard.			
[3] On-site fire hydrants shall be provided so that in no case will there be a fire hydrant located more than 400 feet from all portions of the ground floor of any building. This shall be in addition to any other hydrant spacing requirement.			

5-1104. DEVELOPMENT NOT PROVIDED WITH PUBLIC WATER SYSTEM

- A. Development not provided with a public water system shall have a fire protection system designed by a Florida registered engineer in accordance with NFPA pamphlet #1142, Standard on Water Supplies for Suburban and Rural Fire Fighting, as modified by this section.
- B. Water for fire protection shall be made available on the fireground at a rate not less than the required fire flow.
- C. When bodies of surface water are available, drafting points consisting of a dry hydrant assembly, with eight-inch pipe and Fire Department connections, shall be provided unless the Fire Chief of the applicable fire district indicates, in writing, that the district will not accept a dry hydrant assembly for its use. In that event, an alternate means of fire protection in accordance with NFPA pamphlet #1142 shall be provided. A dry hydrant permit shall be approved by the Director in consultation with the appropriate Fire Marshal, and shall be obtained prior to installation of a dry hydrant.
- D. Drafting points shall be spaced at the same intervals of length as required for fire hydrant spacing.
- E. Extreme care shall be taken to ensure that the water supply required by this section will be available year-round. Means of maintaining the water supply shall be provided prior to issuance of a development order, limited development order, or plat, as appropriate. Means of maintenance shall include the supply of water, the means of storage of the water, and the associated piping arrangements necessary to deliver the water to the Fire Department.

SECTION 5-12. REFUSE AND SOLID WASTE DISPOSAL FACILITIES

- 5-1201.** All new construction except construction of a single-family residence dwelling shall provide sufficient on-site space for the placement of garbage containers or receptacles and for recyclable materials collection containers. At minimum, each development shall provide an area reserved for refuse and solid waste disposal in accordance with the standards in Table 5-12: Refuse and Solid Waste Disposal Facility Requirements.

TABLE 5-12: REFUSE AND SOLID WASTE DISPOSAL FACILITY REQUIREMENTS		
Building Size (sf) (for commercial/industrial uses) or Dwelling Units (for multifamily developments)	Garbage Collection (min. sf)	Recyclable Collection (min. sf)
Up to 5,000 sf	60	24
More than 5,000 up to 10,000 sf	80	48
More than 10,000 up to 25,000 sf, or between 5 and 25 dwelling units	120	96
More than 25,000 sf, or more than 25 dwelling units	216 sf for first 25,000 sf or 25 dwelling units, plus 8 sf for each additional 1,000 sf or dwelling unit	

- 5-1202.** A minimum overhead clearance of 22 feet is required. A 12-foot wide unobstructed access opening shall be provided to accommodate all storage areas/containers.
- 5-1203.** All storage areas/containers shall be shielded on three sides in accordance with Sec. 5-410, Screening of Trash Receptacles, Storage, Service Areas and Garden Canters.
- 5-1204.** Developments using a compactor for garbage collection shall provide sufficient space for the compactor (including receiver) in addition to the space required for recyclable collection.
- 5-1205.** Container space shall not be located within or encroach into the required perimeter landscape buffer (see Sec. 5-406, Perimeter Buffers). Concrete wall enclosures shall not be located within a public utility or drainage easement.

SECTION 5-13. RESIDENTIAL IMPACT STANDARDS

5-1301. PURPOSE

The purpose of these residential impact standards is to ensure that residential uses are not adversely impacted by noise, parking, and other impacts from nearby commercial activity.

5-1302. APPLICABILITY

A. General

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

1. Contains residential uses;
2. Is located within 300 feet of land containing residential uses; or
3. Is located within 300 feet of land within the RSF, RM-2, MH, or RV zoning districts, or land zoned to a planned development district that includes or permits residential uses.

B. Exemptions

The following activities are exempt from the standards of this section:

1. The routine maintenance, repair, or replacement of building components, mechanical equipment, or appliances.
2. The installation of ancillary features such as fences, landscaping, landscape features, lawn furniture, apparatus, or building components that do not increase the intensity of the use on a site.

5-1303. STANDARDS

The following standards apply to development subject to this section:

A. Off-Street Parking, Access, and Connectivity

1. Notwithstanding the limitations in Sec. 5-202.B, Existing Development, all development shall provide the off-street parking required for the uses on the site in accordance with Sec. 5-204, Off-Street Parking Standards, and Table 5-204.B.1: Minimum Number of Off-Street Parking Spaces.
2. Off-street parking areas shall be placed to minimize impact on adjacent residential properties.
3. Access points shall be arranged to avoid conflict with traffic in residential areas.
4. Parking lots that abut residential uses shall be screened from view by a perimeter buffer in accordance with Sec. 5-406, Perimeter Buffers, to mitigate their impact.
5. Pedestrian connections to public sidewalks and nearby residential areas are encouraged.

B. Perimeter Buffers

Based on the project design and surrounding development patterns, the PZDB may require development to provide additional landscaping and screening in addition to the requirements of Sec. 5-406, Perimeter Buffers if needed to adequately screen the development from nearby residential uses.

C. Noise

1. Development shall be designed to ensure that noise levels will not exceed the limits established in the County Noise Ordinance, Ordinance No. 82-32, as amended by Ordinance No. 83-22, and as subsequently amended.
2. Businesses with external noise generators such as outdoor live entertainment, drive-through facilities, and vehicle and boat rental and sales shall direct the noise sources away from nearby residences. The noise generated by these noise generators shall not be plainly audible more than 25 feet onto adjacent lands that contain residential uses or are zoned for residential use.

D. Other Hazardous or Adverse Impacts

Development shall develop a mitigation plan to minimize or eliminate potential hazardous or adverse impacts to nearby residential uses or lands zoned for residential uses. The Village reserves the right to require additional mitigation when it finds the identified impacts are not adequately addressed.

E. Operational Standards

Hours and days of operations of development subject to this section may be limited to minimize detrimental impacts to nearby lands that contain residential uses or are zoned for residential use.

SECTION 5-14. CLEARING, GRADING, AND FILLING OF LAND STANDARDS

5-1401. GENERAL

No land may be cleared, graded, excavated, filled, or otherwise altered except in conformity with the regulations contained in this LDC and other Village ordinances.

5-1402. SITE GRADING AND SURFACE WATER MANAGEMENT STANDARDS FOR SINGLE-FAMILY RESIDENTIAL AND DUPLEX LOTS

A. Site Grading During Construction Activities

The building site shall be graded and maintained during construction to:

1. Prevent erosion of soil onto adjacent or abutting properties and road rights-of-way or improved drainage conveyances;
2. Control surface water runoff to ensure that no surface water in excess of the preconstruction discharge flows onto developed adjacent or abutting properties; and
3. Maintain the flow capacity and function of existing drainage conveyances on or abutting the site including adjacent road rights-of-way / easements or improved drainage conveyances

B. Final Site Grading

1. Final grading of a lot shall:

- A. Control and direct surface water runoff to ensure that surface water discharge is directed into an existing surface water management system or other offsite drainage conveyance; and
 - B. Preserve or relocate existing drainage conveyances necessary to maintain preconstruction flow capacity and function.
2. Final site grading plan features shall be maintained in perpetuity by the property owner. A property owner may not alter or modify the lot grading in a manner that will prevent continued drainage of the site in accordance with the lot grading plan in effect at the time the certificate of occupancy was issued.
- C. Lot Grading Plan**
1. A grading and drainage plan demonstrating compliance with the performance standards outlined in subsections A and B above shall be submitted with the application for building permit approval.
 2. Prior to issuance of a certificate of occupancy, the building site shall be graded in accordance with the grading and drainage plan and a final inspection shall be approved by the Village.

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CHAPTER 6. SIGNAGE

SECTION 6-1. GENERAL

6-101. PURPOSE AND INTENT

A. General Purposes

The purpose of this section is to:

1. Facilitate the implementation of goals, objectives, and policies in the comprehensive plan relating to sign control and protection of areas from incompatible uses.
2. Promote convenience, safety, property values, and aesthetics by establishing a set of standards for the erection, placement, use, and maintenance of signs which will grant equal protection and fairness to all property owners in the Village.
3. Encourage signs which help to visually organize the activities of the Village, lend order and meaning to business identification, and make it easier for the public and business delivery systems to locate and identify their destinations.

B. Protection of Public Safety

The regulation of the placement, installation, and maintenance of signs is justified by the innate scheme and primary purpose to draw mental attention to them, potentially to the detriment of sound driving practices and the safety of the motoring public to which a majority of signs are oriented. Therefore, it is an intent of this chapter to regulate the size and location of signs so that their purpose can be served without unduly interfering with motorists and causing unsafe conditions.

C. Protection of Property Values and Aesthetics

The aesthetic impact of signs is an economic fact which may bear heavily upon the enjoyment and value of property. The fact that signs are intended to command visual contact grants them a proportionately greater role than other structures in determining the overall aesthetic quality of the community. Therefore, the regulation of signs is further justified on the basis that the Village has an obligation to promote the general welfare, including enhancement of property values, so as to create a more attractive business climate and make the Village a more desirable place in which to visit, trade, work, and live.

D. Equal Protection and Fairness

This chapter is designed to be fair to each property owner in that each receives equal and adequate exposure to the public and no one is allowed to visually dominate a neighbor.

E. Intent

In light of its purpose, it is the intent of this chapter to authorize the use of signs in commercial and light industrial areas which are:

1. Compatible with their surroundings;
2. Appropriate to the type of activity to which they pertain;
3. An expression of the identity of the individual proprietors or of the community as a whole; and
4. Large enough to sufficiently convey a message about the owner or occupants of a particular property; the commodities, products, or services available on such property; or the business activities conducted on such property, yet small enough to prevent excessive, overpowering advertising which would have a detrimental effect on the character and appearance of commercial and light industrial areas, or which could unduly distract the motoring public causing unsafe motoring conditions.

F. Limitations

It is also the intent of this chapter to limit signs in noncommercial areas to essential uses, primarily for identification and information, in order to protect the character and appearance of noncommercial areas.

6-102. VIOLATION OF SECTION; PENALTY

- A. For any and every violation of the provisions of this chapter, and for each and every day that such violation continues, such violation shall be punishable as provided in Ordinance 2015-14.
- B. In addition to the criminal penalties and enforcement procedures provided in subsection A above, the violation of any of the regulations, restrictions, and limitations promulgated under the provisions of this section may be restricted by injunction, including a mandatory injunction, and otherwise abated in any manner provided by law, and each suit or action may be instituted and maintained by the Village Council, by any citizen of the Village, or by any person affected by the violation of such regulations, restrictions, or limitations.
- C. Persons charged with violations of this chapter may include:
 - 1. The owner, agent, lessee, tenant, or contractor, or any other person using the land, building, or premises where such violation has been committed or shall exist.
 - 2. Any person who knowingly commits, takes part in, or assists in such violation.
 - 3. Any person who maintains any sign or sign structure in violation of this chapter.

6-103. APPLICABILITY

A. General

Except as exempted in subsection C below, the standards of this section apply to every sign in the Village.

B. Sign Permit Required Generally

- 1. Except as provided in subsection 2 below and elsewhere in this section:
 - A. A monument sign permit is required in accordance with Sec. 2-505.B, Monument Sign Permit, before any person erects, constructs, enlarges, moves, or converts any monument sign in the Village.
 - B. For all other signs, a sign permit is required in accordance with Sec. 2-505.F.3, Sign Permit, before any person erects, constructs, enlarges, moves, or converts any sign in the Village.
- 2. The following actions shall not be construed to be activities requiring a sign permit, though they shall be in conformance with all other building, sign, structural, and electrical codes and regulations of the Village:
 - A. *Maintenance*
Painting, repainting, cleaning, or other normal maintenance and repair of a sign not involving change of copy or structural or electrical changes. However, replacement of the plastic face of a sign is not exempt from this chapter.
 - B. *Window displays*
Changes in the content of show window displays, provided all such displays are within the building.

C. Exemptions

In addition, the following are exempt from the provisions of this chapter:

- 1. Temporary signs within a right-of-way for purposes of business identification or access location, when necessitated by road construction and when authorized by the Director. The temporary sign shall not exceed eight square feet in area; and
- 2. Community identification signs located within the right-of-way when approved by the Director.

6-104. PROHIBITED SIGNS

A. General

Commercial advertising signs are prohibited unless expressly authorized by this chapter.

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.
3. Signs or other advertising matter as regulated by this chapter erected at the intersection of any road or in any road right-of-way which:
 - A. May obstruct free and clear vision;
 - B. May interfere with or obstruct the view of any authorized traffic sign, signal, or device by reason of the position, shape, or color of the sign; or
 - C. Make use of the word “stop,” “look,” “drive-in,” or “danger” or any other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse vehicular traffic.
4. Abandoned signs.
5. Animated signs.
6. Balloons, including all inflatable air signs or other temporary signs that are inflated with air, helium, or other gaseous elements.
7. Banners, pennants, or other flying paraphernalia, except an official federal, state, county, or Village flag not to exceed 15 square feet in area for each institution or business.
8. Bench signs, except as permitted in accordance with Sec. 6-302, Off-Site Signs.
9. Billboards.
10. Bus shelter signs, except as permitted in accordance with Sec. 6-302, Off-Site Signs.
11. Changing sign (automatic), except as approved within a DRI by planned development zoning resolution adopted by Lee County prior to June 24, 2003.
12. Electronic Changing Message Centers, except as approved within a DRI by planned development zoning resolution adopted by Lee County prior to June 24, 2003.
13. Emitting signs.
14. Figure-structured signs.
15. Motion picture signs.
16. Off-site directional signs, except as approved within a DRI by planned development zoning resolution adopted by Lee County prior to June 24, 2003.
17. Parking of advertising vehicles.
18. Portable signs, except as permitted in Sec. 6-105, Permitted Signs, or Sec. 6-301.A, Temporary Signs.
19. Pole signs.
20. Projecting signs.
21. Pylon signs, except as approved within a DRI by planned development zoning resolution adopted by Lee County prior to June 24, 2003.
22. Roof signs.
23. Signs with any lighting or control mechanism which causes radio or television or other communication interference.
24. Signs erected, constructed, or maintained so as to obstruct or be attached to any firefighting equipment or any window, door, or opening used as a means of ingress or egress or for firefighting purposes, or placed so as to interfere with any opening required for proper light and ventilation.
25. Signs, except “posted property” signs, which are erected or maintained upon trees or painted or drawn upon rocks or other natural features.
26. Any sign which is placed on any curb, sidewalk, post, pole, electrolier, hydrant, bridge, tree, or other surface located on public property or over or across any road, except as may otherwise expressly be authorized by this section.
27. Snipe signs.

28. Unshielded illuminated devices that produce glare or are a hazard or a nuisance to motorists or occupants of adjacent properties.
29. Window signs which identify or advertise activities, services, goods, or products available within the building, and which collectively cover more than 30 percent of the window glass surface area.

6-105. PERMITTED SIGNS

A. Signs Permitted Without a Permit

The following signs are permitted without requiring a permit, subject to the following requirements:

1. *Awning Signs*

Signs consisting of one line of letters, which are painted, placed, or installed upon the hanging border only of any awning legally permitted, erected, and maintained in accordance with this LDC and all other applicable Village laws. An identification emblem, insignia, initial, or other similar feature not exceeding an area of eight square feet may be painted, placed, or installed elsewhere on any awning providing it complies with the other provisions of this chapter.

2. *Business Affiliation Signs*

Signs displayed by businesses, upon the premises, denoting professional and trade associations with which the business is affiliated, required statutory signs, and other signs pertaining to public safety and law enforcement, provided such graphics do not contain lettering more than two inches high.

3. *Business Information Signs*

Provided that such signs are posted on entrance doors or within a window.

4. *Flags or Insignia of Governmental or Nonprofit Organizations*

Flags or insignia of a governmental, religious, charitable, or fraternal organization, except when displayed in connection with a commercial promotion.

5. *Garage Sale Signs*

Garage sale signs, provided they are erected no more than 24 hours prior to the sale and removed within 72 hours of the time they were erected.

6. *Governmental and Public Safety Signs*

Governmental signs for control of traffic and other regulatory purposes, street signs, danger signs, railroad crossing signs, signs of public service companies indicating danger, and aids to service or safety which are erected by or on the order of a public officer in the performance of the officer's public duty.

7. *Christmas and Hanukkah Decorations*

Signs of a primarily decorative nature, clearly incidental and customary and commonly associated with the Christmas and Hanukkah holidays, displayed no more than 45 calendar days prior to and 15 calendar days after the nationally recognized holiday. They may be of a type not otherwise prohibited by Sec. 6-104, Prohibited Signs, provided:

- A. The decorations contain no advertising (other than the name of the business); and
- B. The decorations are set back a minimum of ten feet from all boundary lines of the lot, and provide clear visibility areas in accordance with the requirements of Sec. 10-303.S, Sight Triangle.

8. *Instructional Signs*

Instructional signs or symbols located on and pertaining to a parcel of private property, provided such signs not exceed four square feet in area per sign.

9. *Interior Signs*

Signs located within the interior of any building or stadium and not visible from the exterior, or within an enclosed lobby or court of any building, and signs for and located within the inner or outer lobby, court, or entrance of any theater. All such signs shall be required to comply with any

structural, electrical, or material specifications as set out in this LDC and the Florida Building Code.

10. *Legal Notices*

Legal notices and other official instruments.

11. *Memorial Signs or Tablets*

Memorial signs or tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials.

12. *Residential Nameplates*

Provided such signs not exceed 2.25 square feet in area.

13. *Political or Campaign Signs*

Provided such signs not exceed four square feet in area. Larger political or campaign signs require a permit in accordance with Table 6-301.A-3: Political Signs.

14. *Posted Property Signs*

Subject to the following:

- A. Such signs shall not exceed one and one-half square feet in area.
- B. A maximum of four signs are permitted in each lot.
- C. Signs shall not be illuminated and shall not project over any public right-of-way.

15. *Professional Nameplates*

Provided such signs not exceed two square feet in area.

16. *Promotional Signs*

Provided they not exceed four square feet in area, are posted only during such event or no more than 45 days before the event, and are removed no more than ten days after an event. Other promotional signs require a permit (Sec. 6-105.B, Signs Permitted with a Sign Permit, and Table 6-301.A-4: Promotional Signs).

17. *Public Information Signs*

Signs used for public information or direction erected either by or at the direction of a public body.

18. *Real Estate, Open House and Model Signs*

Real estate, open house, and model signs provided they comply with Table 6-301.A-5: Real Estate Signs.

19. *Signs Incorporated on Machinery or Equipment*

Signs incorporated on machinery or equipment at the manufacturer's or distributor's level, which identify or advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks, telephone booths, and gasoline pumps.

20. *Symbols or Insignia of Religious Orders or Historical Agencies*

Religious symbols, commemorative plaques of recognized historical agencies, or identification emblems of religious orders or historical agencies, with a maximum size of four square feet in area.

21. *Warning Signs*

Signs warning the public of the existence of danger and of a size as may be necessary, but containing no advertising material and to be removed upon subsidence of danger.

22. *Waterway Signs*

Directional signs along inland waterways.

23. *Window Signs*

Window signs which identify or advertise activities, services, goods, or products available within the building and which collectively cover 30 percent or less of the window glass surface area. Lettering on windows and signs required by federal or state law or by regulations promulgated by

federal or state agencies, business information signs, and business affiliation signs are excluded from the computation of the sign area limitations and restrictions specified in Sec.6-301.C, Permanent Signs in Commercial and Mixed-Use Areas.

B. Signs Permitted with a Sign Permit

Subject to the provisions of subsection C below, the following types of signs are allowed upon application for and issuance of a sign permit (Sec 2-505.F.3, Sign Permit), provided the proposed sign is nonilluminated or the illumination is from a previously approved source, and all other provisions of this chapter are met:

1. *Announcement Signs*

Subject to the requirements of Table 6-301.A-1: Announcement Signs.

2. *Bench Signs*

Subject to the requirements of Sec. 6-302, Off-Site Signs.

3. *Bus Shelter Signs*

Subject to the requirements of Sec. 6-302, Off-Site Signs.

4. *Construction Signs*

Subject to the requirements of Table 6-301.A-1: Announcement Signs.

5. *Development Signs*

Subject to the requirements of Table 6-301.A-2: Development Signs.

6. *Directory Signs (on-site only)*

Subject to the requirements of Sec.6-301.C, Permanent Signs in Commercial and Mixed-Use Areas.

7. *Identification Signs*

Subject to the requirements of Sec. 6-301.B, Permanent Signs in Residential Development, or Sec. 6-301.C, Permanent Signs in Commercial and Mixed-Use Areas,

8. *Promotional Signs*

Subject to the requirements of Table 6-301.A-4: Promotional Signs.

9. *Wall-Mounted Signs*

Subject to the requirements of Table 6-301.C-2: Non-Residential Subdivisions, and Multiple-Occupancy Complexes with More than Five Establishments.

C. Signs Permitted with a Sign Permit and Building Review

As part of the sign permit application procedure (Sec 2-505.F.3, Sign Permit), signs that meet any of the following criteria shall be required to undergo review by the Building Department before a permit will be issued and the sign may be erected:

1. Any sign exceeding ten feet in height;
2. Any sign exceeding 32 square feet in area;
3. Any illuminated or electrically operated sign, including portable signs, if the source of the illumination or electricity has not been previously approved; or
4. Any sign, other than a painted sign, attached to a wall or marquee.

6-106. PARKING OF ADVERTISING VEHICLES

- A. No person shall park any vehicle, trailer, or boat on a public right-of-way, public beach, or public property, or on private property so as to be clearly visible from a public right-of-way, where the vehicle, trailer, or boat has attached or located on it an advertising device for the primary purpose of providing advertisement of products or directing people to a business or activity located on the same or nearby property or any other premises. This subsection is not intended to prohibit any form of public vehicular signage such as a sign attached to a bus; neither shall this section prohibit a sign lettered on or attached to a motor vehicle in such a manner as to primarily identify the vehicle with the business it serves and which is less than six square feet in area. This section shall not be interpreted as prohibiting company names which are customarily and normally on interstate or local trucks.
- B. The parking of unusual vehicles or the use of any other unusual device or contrivance visible from a public or private road or right-of-way for advertising or commercial purposes is prohibited.

6-107. REMOVAL OF DANGEROUS SIGNS

A. General

All signs and sign structures which are or have been erected or maintained unlawfully shall be considered illegal and subject to the removal procedures of this subsection.

B. Special Removal Provisions for Certain Signs

The provisions of this subsection B apply to banners, promotional signs, sidewalk or sandwich signs, snipe signs, and special event signs:

1. The Village finds that, in view of the inexpensive nature of these signs and the administrative burden which would be imposed by elaborate procedural prerequisites prior to removal, any procedure other than summary removal of these signs when unlawfully erected and maintained would defeat the purpose of regulating such signs. Therefore, the Building Official is authorized to remove such signs when unlawfully erected and maintained, subject to the provisions contained in subsection C below.
2. After summary removal of a sign in accordance with this section, the Building Official will notify, either in person or by first class postage, prepaid, the occupant of the property from which the sign was removed, and, if the sign identified a party other than the occupant of the property, the party so identified. The notice will advise that the sign has been removed, and will state that the sign may be retrieved within 30 days of the date of the notice and that if the sign is not retrieved within 30 days it will be disposed of by the Village. If the sign is removed from public property, no notice is required. The Village will dispose of all unclaimed signs after the expiration of the 30-day period.

C. Other Unlawful Signs

Signs which are or have been erected or maintained unlawfully but are not subject to subsection B above shall be subject to the following removal procedures:

1. The Building Official shall prepare a notice which describes the sign, specifies the violation involved, and states that, if the sign is not removed or the violation is not corrected within 15 days, the sign shall be removed in accordance with the provisions of this subsection.
2. All notices mailed by the Building Official shall be sent by certified mail, return receipt requested. Any time periods provided in this subsection shall be deemed to commence on the date of the receipt of the certified mail.
3. The notice shall be mailed to the owner of the property on which the sign is located as shown on the last equalized assessment roll. If the owner of the sign and/or the occupant of the property are known, or with reasonable care should be known, the notice shall also be mailed to or delivered to the owner of the sign and/or the occupant of the property.
4. If the Building Official is unable to determine the identity of the sign owner or user or the owner of the property on which the sign is located, the notice may be affixed in a place conspicuous to the sign or to the business premises with which the sign is associated. The Building Official shall require a new sign permit to be issued for each existing sign classified as a legal nonconforming sign. A photograph of each sign so classified shall be attached to the Village's copy of the permit application.

5. Any person having an interest in the sign or the property may appeal the determination of the Director ordering removal or compliance by filing a written notice of appeal with the Village within 15 days after the date of receiving the notice.
6. Upon completion of the notification procedures and after expiration of the 15-day appeal period, if no appeal has been filed, the Building Official shall have the authority to remove or contract with a contractor to remove the unlawful sign. All costs associated with the removal of the unlawful sign shall be assessed against the property owner. Each such assessment shall be a lien against the property until paid, in accordance with subsection E below.

D. Emergency Work

If the Building Official determines that a sign would cause an imminent danger to the public safety, and contact cannot be made with a sign owner or building owner, written notice does not need to be served. In this emergency situation, the Building Official may correct the danger, with all costs being assessed against the property owner.

E. Assessment of Costs

1. Shortly after the offending condition is corrected or removed by the Building Official and the expense of doing so is determined, the Building Official shall render a statement to the property owner or permittee or person having possession or right to use, by regular United States mail, addressed to the last known address of any such persons, informing the person of the sums due the Village.
2. If such sums are not paid within 45 days, the Village Council shall, by resolution, levy a special assessment lien in the amount of all sums due the Village, plus interest on the amount at a rate of 12 percent per annum, plus all expenses which may be incurred incident to the enforcement of such lien, including any court costs or attorney's fees, until final payment of all sums have been made.
3. Liens shall be recorded in the public records of Lee County and shall remain in full force and effect until finally paid. The Village shall furnish releases of the subject lien upon proper satisfaction having been made. The lien may be enforced in the manner provided by state law for the enforcement of liens or the foreclosure of mortgages.

SECTION 6-2. MEASUREMENT, CONSTRUCTION, AND MAINTENANCE STANDARDS

6-201. MEASUREMENT OF SIGN AREA

- A. The sign area shall be measured from the outside edges of the sign or the sign frame, whichever is greater, excluding the area of the supporting structures provided that the supporting structures are not used for advertising purposes and are of an area equal to or less than the permitted sign area. In the case of wall signs without a border or frame, the surface area shall include such reasonable and proportionate space as would be required if a border or frame were used.
- B. When a single sign structure is used to support two or more signs, or unconnected elements of a single sign, the surface area shall comprise the square footage within the perimeter of a regular geometric form enclosing the outer edges of all the separate signs or sign elements.
- C. When signs are installed back-to-back, one face only is considered as the sign area. If unequal in size, the larger face will be counted.

6-202. MEASUREMENT OF SIGN HEIGHT

- A. The height of a sign shall be considered to be the vertical distance measured from the adjacent road grade or upper surface of the nearest road curb, whichever is higher.
- B. For signs near elevated roads such as interchange overpasses, height shall be measured from the road grade of the adjacent road that provides access to the property hosting the sign.

6-203. LOCATION

A. Sight Triangle

No sign shall impair visibility at a road intersection or driveway entrance. Within the area formed by the right-of-way lines of intersecting roads or roads and driveways, and a straight line connecting points on such right-of-way lines at a distance of 25 feet from their point of intersection, such connecting lines extending beyond the points to the curved lines, there shall be a cleared space with no obstructions between the height of three feet and the height of ten feet above the average grade of each road, measured at the road's centerline, known as the Sight Triangle.

B. Clearance from High-Voltage Power Lines

Signs shall have ten feet of clearance from all overhead electrical conductors and three feet of clearance from all secondary voltage service drops.

6-204. CONSTRUCTION STANDARDS AND LANDSCAPING

A. General

All signs shall comply with the appropriate provisions of the Florida Building Code relating to design, structural members, and connections. Illuminated signs shall also comply with provisions of the National Electrical Code, and all electrical work shall be Underwriters' Laboratories approved or be certified by an electrician licensed by Lee County. Signs shall also comply with the additional standards set forth in this chapter.

B. Erection by Licensed Contractor

No sign may be erected except by a licensed contractor, other than a painted wall sign, if the sign:

1. Exceeds 32 square feet in area;
2. Exceeds ten feet in height; or
3. Requires or uses electricity from other than a previously approved source.

C. Structural Design

1. Structural drawings reviewed and certified by an engineer registered by the state shall be required for any sign exceeding 40 square feet in area or 20 feet in height. Wind load calculations shall be submitted with the engineer's submittal.
2. For signs that are 40 or fewer square feet in area, the Building Official may require wind load calculations be submitted prior to issuing a permit.
3. A wall shall be designed for and have sufficient strength to support any sign which is attached to it.

D. Materials for Ground Signs

1. All ground sign structures or poles shall be self-supporting structures erected on and permanently attached to concrete foundations.
2. All wood used for any portions of new permanent signs or for replacement of existing permanent signs shall be rot and termite resistant through open-cell preservation methods as specified by the American Wood Preservation Association, or by any other open-cell preservation treatment approved by the Building Official.

E. Electric Signs

1. All signs with electricity, including portable signs, shall be certified by the sign contractor that the sign meets the standards established by the National Electrical Code. All electric signs shall be erected and installed by a licensed sign contractor. The electrical connection to a power source shall be performed by a licensed electrical contractor.
2. Artificial light used to illuminate any sign from outside the boundaries of the sign shall be screened in a manner that prevents the light source from being visible from any abutting right-of-way or adjacent property and shall comply with Section 5-6, Exterior Lighting Standards.

F. Supports and Braces

Metal supports or braces shall be adequate for wind loadings. All metal wire cable supports and braces and all bolts used to attach signs to brackets or brackets and signs to the supporting building

or structure shall be made of galvanized steel or of an equivalent corrosive resistant material. All such sign supports shall be an integral part of the sign.

G. Anchoring

No sign shall be suspended by chains or other devices that will allow the sign to swing due to wind action. Signs shall be anchored to prevent any lateral movement that would cause wear on supporting members or connections.

H. Maximum Angle for Double-Faced Signs

Double-faced signs with opposing faces having an interior angle greater than 30 degrees are prohibited.

I. Landscaping

1. Approved landscaping shall be functional and decorative. It shall be designed for minimal maintenance and capable of withstanding vandalism. The support structure of the sign may, if properly designed, be included as part of the landscaping.
2. The least dimension of the landscaped area shall be the greatest dimension of the sign, and the sign shall not extend beyond the landscaped area. The area enclosed by curbing shall be landscaped with shrubs and ground cover.

J. Polyester Film Window Graphics

The use of polyester film window graphics is prohibited.

6-205. SIGN IDENTIFICATION AND MARKING

A. Permit Required to Be Affixed

No sign for which a permit is required by this chapter shall be erected, displayed, rebuilt, repaired, painted, or otherwise maintained until a Village sign permit number is painted on or otherwise affixed to the sign or sign structure in such a manner as to be plainly visible from the road.

B. Identification Plate Required

All off-site signs erected or remodeled shall bear, in a permanent position, a clearly legible identification plate stating the name and address of the owner of the sign, the person responsible for its construction and erection, and the date of erection. Electrical signs shall be marked with input amperages at the full load input.

6-206. MAINTENANCE

- A. All signs for which a permit is required by this chapter, including their supports, braces, guys, and anchors, shall be maintained so as to present a neat, clean appearance. Painted areas and sign surfaces shall be kept in good condition, and illumination, if provided, shall be maintained in safe and good working order.
- B. Weeds and grass shall be kept cut in front of, behind, underneath, and around the base of ground signs for a distance of ten feet, and no rubbish or debris that would constitute a fire or health hazard shall be permitted under or near such signs.

SECTION 6-3. RESTRICTIONS BASED ON LOCATION

6-301. ON-SITE SIGNS

A. Temporary Signs

The following types of temporary signs are permitted in all zoning districts, provided they are not prohibited by Sec. 6-104, Prohibited Signs. They shall comply with the following standards:

TABLE 6-301.A-1: TEMPORARY SIGNS		
Announcement Signs		
	<p>Temporary Construction or Development Sign Allowed for a project under construction or an intended use of premises within 60 days of sign erection, or upon approval of a development order.</p> <p>One sign per road frontage per project</p>	<p>Max height: 10 ft (measured above the crown of any abutting road) Max. sign area: 32 sf</p> <p>May include only the project name, nature of the development (e.g. professional office, villas, townhouses, condominium etc.), the name of the owner or agent, and one telephone number.</p> <p>Shall be removed upon issuance of a building permit for the project.</p> <p>Signs announcing the development of a recorded subdivision may be posted for a 12-month period from the date of recording the subdivision plat</p>
	<p>Temporary Announcement Sign One sign for a new business, or a business in a new location with no permanent sign, if it does not exceed either the number or size of permanent signs otherwise permitted for the occupant or location</p>	<p>Max. height: 10 ft (including support structure) Max. sign area: 32 sf</p> <p>Installed for no more than 14 days, twice per year</p>
	<p>Construction Signs One per construction project on each street frontage. Sign shall be erected no more than 10 days prior to the start of construction and shall be removed prior to issuance of the first certificate of occupancy</p>	<p>Setback: 15 feet from any property line or road right-of-way or easement line, whichever is greater distance from the road</p> <p>Max. height: 10 ft Max. sign area: 32 sf</p> <p>Sign may denote the architect, engineer, contractor, subcontractor, owner, future tenant, financing agency, or other persons performing services or labor or supplying materials to the premises</p>

TABLE 6-301.A-2: TEMPORARY SIGNS		
Development Signs		
	<p>Residential Development Sign Permitted in any residential development in which more than 20 percent of the lots, homes, or living units remain unsold</p>	<p>One sign for each road entrance into development Max sign area: 32 sf Shall be located within the property being developed Permits issued for one year and may be renewed annually</p> <p>Not illuminated</p>
	<p>Nonresidential Development Sign Permitted in any commercial zoning district, or to promote the sale, rental, or lease of units within the development</p>	<p>Max. height: 10 ft Max. sign area: 32 sf</p> <p>Not illuminated</p>

TABLE 6-301.A-3: TEMPORARY SIGNS		
Political Campaign Signs		
	<p>On property owned by others Temporary political or campaign signs on behalf of candidates for public office or measures on election ballots</p>	<p>Person posting sign shall place on file with Building Office a location list, updated by submission of amended lists, indicating the placement of all temporary or campaign signs, and post bond or other security deposit acceptable to the Village to ensure the proper maintenance and removal of the signs in accordance with Sec. 2-505.F.3, Sign Permit</p> <p>Shall be erected not earlier than 60 days prior to the election, removed within ten days following the election</p> <p>Max. height: 6 feet Max. sign area: 32 sf</p>
	<p>On owner's own property</p>	<p>Permitted</p> <p>Max sign area (for each sign): 4 sf</p>

TABLE 6-301.A-4: TEMPORARY SIGNS		
Promotional Signs		
	<p>Except as provided in Sec. 6-105.A.16, Promotional Signs, only allowed on property owned by others for special events or promotions until person obtains a permit from the Building Official and posts bond or other security deposit acceptable to the Village to ensure the proper maintenance and removal of the signs</p>	<p>May be erected within 30 days prior to a proposed event and shall be removed within ten days after the event</p> <p>Max. height: 10 ft Max sign area: 32 sf</p>

TABLE 6-301.A-5: TEMPORARY SIGNS	
Real Estate Signs	
<p>Temporary “For Sale,” “For Rent,” or “For Lease” Signs Permitted on property where the owner is actively attempting to sell, rent, or lease the property, either personally or through an agent</p>	<p>Each lot smaller than 10 acres is permitted one on-site wall or ground-mounted sign on each road frontage as follows:</p> <p>Single-Family or Two-Family dwellings or lot Max. height: 4 feet Max. sign area: 4 sf</p> <p>Multifamily, nonresidential, or vacant property, and properties 10 acres or larger Max. height: 10 feet Max. sign area: 32 sf</p> <p>Each lot 10 acres or larger may erect one sign for every 330 linear feet of frontage on any one road</p> <p>Minimum setback: 15 feet from right-of-way and side property lines, except in a commercial area the sign may extend to the sidewalk line</p> <p>No signs may be fastened to trees. “Sold” signs shall be allowed in three-inch by 16-inch strips, removable within 30 days after consummation of sale</p>
<p>Temporary “Open House” or “Open for Inspection” Signs Permitted on the property to be sold or leased</p>	<p>One per road frontage per single-family dwelling or multifamily building.</p> <p>Only displayed when premises are actually available for inspection by a prospective buyer or tenant</p> <p>Max. sign area: 3 sf</p>
<p>Model Dwelling Unit Sign Sign copy may only include the word model, the name of the builder and builder’s agent, the number of bedrooms and baths, and one telephone number</p>	<p>One sign per residential building</p> <p>Max. sign area: 24 sf</p> <p>One “Parking in Rear” or “Model Parking” sign also permitted</p> <p>Allowed in-lieu of Temporary “For Sale,” “For Rent,” or “For Lease” signs</p>

TABLE 6-301.A-6: TEMPORARY SIGNS	
Special Occasion Signs	
<p>Temporary on-site signs may be issued for special occasions such as holidays (other than Christmas and Hanukkah, which are addressed in Sec. 6-105.A.7), carnivals, parking lot sales, annual and semiannual promotions, or other similar events, and shall comply with the following standards:</p> <ol style="list-style-type: none"> 1. A temporary use permit (Sec. 2-505.C, Temporary Use Permit) shall be required; 2. The temporary use permit shall be issued for a period of time not to exceed 15 consecutive days; 3. No business shall be permitted more than two temporary use permits for special occasion signs in any calendar year; and 4. The business shall not have violated the time limitation in paragraph 2 above within the calendar year preceding the request for the temporary use permit. <p>Signs shall be located on-site only and in such a manner that does not create a traffic or pedestrian hazard. Signs illuminated by electricity shall comply with all electrical and safety codes. Signs shall be constructed and secured in accordance with all applicable standards.</p>	

B. Permanent Signs in Residential Development

Permanent signs are permitted in residential development in accordance with the standards in the following tables.

TABLE 6-301.B: PERMANENT SIGNS IN RESIDENTIAL DEVELOPMENT			
GENERAL REQUIREMENTS			
Applies to	Each residential subdivision, mobile home and recreational vehicle development, condominium, and multi-family building containing five or more dwelling units, including development in planned development districts that includes residential uses		
Maintenance	A homeowners' association or similar entity shall be responsible for maintenance of each sign		
Location	Set back 15 ft from edge of public right-of-way Set back 15 feet from an entrance road, except that if the sign is in the median strip of the entrance boulevard, the minimum required setback is five feet		
Illumination	May be illuminated with a steady light shielded so as not to interfere with vehicular traffic, subject to Section 5-6, Exterior Lighting Standards.		
Design	May incorporate or be incorporated into accessory entrance structural features such as a project wall or landscaping		
RESIDENTIAL DEVELOPMENT SIGNS			
Specific Signs	Number	Maximum Height & Sign Area	Other Requirements
Entrance Identification Signs	Boulevard entrance: 1 in median, or 2 single-faced and equal in size on each side of entranceway	Max. height: 10 ft Max. sign area: 105 sf	Shall only include name of residential development and, where applicable, the name of residential facilities internal to the development
	Non-Boulevard Entrance: 1 double-faced sign perpendicular to road or 2 single-faced and equal in size and located on each side of the entranceway		
Additional Identification Signs	1 per 2,000 linear ft of frontage	Max. height: 10 ft	Shall only include name of the residential community

<p>Internal Signs</p>	<p>Boulevard entrance: 1 in median or 2 single-faced</p> <p>Non-boulevard entrance: 1 double-faced sign perpendicular to road or 2 single-faced</p>	<p>Max. height: 8 feet Max. sign area: 32 sf</p>	
<p>On-Site Directional Signs Permitted in a residential development with several distinctly separate subdivisions, clusters, or other subunits of development.</p>	<p>Multiple</p>	<p>Max. height: 6 ft Max sign area: 10 sf</p> <p>Set back 15 ft from edge of public right-of-way or easement</p>	<p>Permitted along an interior collector road at intersections with other interior road</p> <p>Shall be a permanent wall or monument sign</p>

C. Permanent Signs in Commercial and Mixed-Use Areas

Permanent signs are permitted in commercial and mixed-use development in accordance with the standards in the following tables.

<p>TABLE 6-301.C-1: PERMANENT SIGNS IN COMMERCIAL AND MIXED-USE DEVELOPMENT</p>		
<p>GENERAL REQUIREMENTS</p>		
<ul style="list-style-type: none"> • Applies to all nonresidential and mixed-use development. • All signs in a development subject to a unified sign plan shall be designed and constructed in accordance with the approved unified sign plan. • All signs shall match the architectural style of the building or development to which they relate. • Any sign that identifies individual businesses shall be configured to be easily read from the pedestrian level. 		
<p>Sign Copy Area Calculations</p>		
<p>Total permitted sign copy area, property with single frontage</p>	<p>Amount of Frontage on Public Right of Way</p>	<p>Maximum Sign Area</p>
	<p>50 ft or less</p>	<p>20 sf per 10 linear ft, up to 100 sf</p>
	<p>Between 50 and 100 ft</p>	<p>20 sf per 10 linear ft, up to 150 sf</p>
	<p>100 up to 330 ft</p>	<p>20 sf per 10 linear ft, up to 300 sf</p>
	<p>More than 330 ft</p>	<p>20 sf per 10 linear ft, up to 400 sf</p>
<p>Total permitted sign copy area, property with multiple frontages</p>	<p>Corner Lots</p>	<p>Maximum sign area per frontage, transfers between frontages not permitted</p>
	<p>Parallel Streets</p>	<p>If both streets are collector, maximum sign area per frontage, transfers between frontages not permitted.</p> <p>If one street is a local road facing residential or institutional uses, sign area maximum on local road is 25 sf. If one street is a local road facing a commercial or industrial area which provides vehicular access to the subject property, than total signage allowed for a single frontage is permitted and may not be transferred between frontages</p> <p>If both streets are local roads, single frontage allowance applies to primary vehicle entrance, second frontage has 25 sf allowance</p>

			If a business fronts a collector or better road but is separated by a frontage road, the allowable sign area is calculated as though the frontage road were not there
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TABLE 6-301.C-2: PERMANENT SIGNS IN COMMERCIAL AND MIXED-USE DEVELOPMENT

Non-Residential Subdivisions, and Multiple-Occupancy Complexes with More than Five Establishments				
	Sign Type	Number	Setback, Illumination, and Other Requirements	Maximum Height and Sign area
	Project identification signs	<p>1 if less than 330 linear feet of frontage</p> <p>2 if 330 linear feet or more of frontage</p> <p>On corner lot, may place one sign with total sign area based upon total frontage of both roads provided maximum sign area does not exceed 300 sf per face</p>	<p>Setback: 15 ft from road ROW (unless building is within 15 of road ROW, in which case sign may not project over ROW or easement or be within 10 feet of overhead electric supply). Not permitted between a collector or arterial road and a frontage road. Setback 10 feet from other property lines</p> <p>Illumination: Illuminated with individual internally illuminated letters and logo and/or lighting behind letters and logo, or edge-lit with concealed neon or remotely-lit fiber optic, with electric connections and wiring concealed</p> <p>May not be illuminated with a visible source of external lighting, exposed neon, exposed raceways, or internally illuminated box signs (as defined by a sign comprised of translucent surfaces illuminated from within) unless the face and side of sign are opaque except for letters and/or logos being translucent</p> <p>Shall display road address of the property and shall measure between four and six inches in height; copy area of address does not count towards total permitted sign copy area</p> <p>Signs identifying individual businesses shall be easily read from pedestrian level, and signs shall match architectural style of building or development</p>	<p>Max. height: 17 ft (7 ft if closer than 15 feet to road ROW)</p> <p>Max. sign area: 1 sf per linear foot of frontage, maximum 200 sf on one sign, combined maximum 300 sf if two signs are permitted</p> <p>Copy area shall not exceed 75 percent of total sign structure area; minimum 25 percent of sign structure area shall be devoted to architectural features</p>
	Additional entrance signs	One at each additional entrance to nonresidential subdivision on the same frontage as project identification sign	<p>Not illuminated</p> <p>Shall only include name of development</p>	Max. sign copy area: 16 sf

		Directory signs	<p>Permitted on same structure as project identification sign</p> <p>Shall have same background, lettering, and color scheme as project identification sign</p> <p>Cinema or theater may advertise on identification sign provided copy area does not exceed 25 percent of total permissible sign area</p> <p>It shall be the responsibility of the developer to assure adequate space on the directory and identification sign for each tenant. Failure to provide space shall not be grounds for any occupant to request or obtain a variance from the provisions</p>	
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TABLE 6-301.C-3: PERMANENT SIGNS IN COMMERCIAL AND MIXED-USE DEVELOPMENT

Individual Occupants within Multiple-Occupancy Complexes				
Signs may not contain any advertising message concerning any business, goods, products, services, or facilities which are not manufactured, produced, sold, provided, or located on the premises upon which the sign is erected or maintained.				
	Sign Type	Number	Other Requirements	
	Wall signs	Multiple	<p>Permitted on any wall facing a collector or arterial road or parking lot, with a maximum 10 percent of wall area, maximum 200 sf per wall per tenant</p> <p>When abutting residentially zoned property or delivery vehicle accessway, wall signs permitted with total maximum area of 24 sf</p> <p>May be illuminated in accordance with regulations for Project Identification Signs</p> <p>Signs shall not contain advertising messages or sales item names</p>	
	Marquee signs	Only on marquees or canopies otherwise lawfully permitted or in existence	Shall not extend horizontally beyond the edges of the canopy or marquee to which they are attached or suspended	
	Under-Canopy Signs	Permitted under canopy	<p>Max, sign copy area: 4 sf</p> <p>Max. letter height: 6 in</p> <p>Min. clearance height above sidewalk: 6 ft</p> <p>Mounted as nearly as possible at a right angle to the building face, and rigidly attached</p>	
	Interior directional signs	Multiple	<p>Max. height: 10 ft</p> <p>Max. sign copy area: 32 sf (may include individual tenant panels with up to 4 sf in area)</p> <p>Shall be located in such a manner that will not adversely obstruct safe visibility between moving vehicles or vehicles and pedestrians</p> <p>Shall not be visible outside the complex premises</p>	

TABLE 6-301.C-4: PERMANENT SIGNS IN COMMERCIAL AND MIXED-USE DEVELOPMENT				
Individual Office, Institution or Business Establishments, and Multiple-Occupancy Complexes with Five or Fewer Establishments				
		Height and Setback Requirements	Amount of Frontage	Maximum Sign Area
	Monument Identification Sign Dimensional Requirements	Max. height: 17 ft Min. street setback: 15 ft Min. side property line setback: 10 ft	50 ft or less	32
			Between 50 and 100 ft	64
			100 up to 330 ft	72
			More than 330 ft	96
	Sign Type	Number	Other Requirements	
	Monument Identification Sign	1, except on corner lots, occupant may combine two permitted monument identification signs into one, provided total sign area does not exceed 1 1/2 times the maximum sign permitted on any one road frontage	Ground sign areas not identifying the complex shall be divided equally among the occupants Signs may be illuminated in accordance with the standards for Project Identification Signs in Table 6-301.C-2 above. Not permitted between a collector or arterial road and a frontage road	
	Monument Identification Sign on Second Frontage	If establishment has frontage on more than one public ROW, 1 additional monument sign is allowed	Max. height: 17 ft Min. street setback: 15 ft Min. setback from other property lines: 10 ft Max sign copy area: 24 sf	
	Wall Mounted, Marquee, or Canopy Signs	Multiple	Allowed up to total permitted sign copy area, provided that not more than ten percent of any wall area shall be used for signage.	
	Hospitals	1 additional sign identifying emergency entrances	May be illuminated ground or wall sign Max. sign area: 16 sf.	

D. Interstate Highway Interchange Area Signs

The Building Official may approve interstate highway interchange area signs in accordance with the following:

1. Purpose

It is the purpose of this subsection to provide on-site signage visible from I-75 for auto- and traveler-oriented commercial establishments located in accordance with subsection 2 below.

2. Location

Interstate highway interchange area signs shall be located within one quarter mile of the midpoint of an I-75 intersection and are prohibited in the eastern quadrant of the Corkscrew Road intersection with I-75.

3. Application for Approval

In addition to the procedures set forth in Sec. 2-505.B, Monument Sign Permit, the following additional materials shall be submitted with the application:

- A. Where applicable, as determined by the Building Official, a letter from the Southwest Florida International Airport confirming it has no objection to the proposed location and height of the sign; and
- B. A notarized letter from the property owner consenting to the application, where the applicant is not the property owner.

4. Spacing and Dimensional Regulations

- A. Only one interstate highway interchange area sign structure may be located in each quadrant of the I-75 interchange, but the structure may contain identification messages visible to both directions of travel along the interstate.
- B. The maximum height of an interstate highway interchange sign shall be 50 feet, and the maximum sign area shall be 400 square feet.
- C. Property owners who erect an interstate highway interchange sign in the western quadrants of the Corkscrew Road intersection with I-75 may also install one additional on-site sign. The additional on-site sign will not be included in calculating sign area or the number of signs permitted by other regulations in this subsection.
- D. The bottom of the sign shall be a minimum of 30 feet above grade.
- E. There shall be a minimum 15-foot setback from street rights-of-way or street easements.

5. Exclusion from Other Sign Calculations

Interstate highway interchange area signs are not included in calculating sign area or the number of signs permitted by other regulations in this section.

6-302. OFF-SITE SIGNS

Bus benches with signs and bus shelter signs shall only be provided by the Village or Lee County.

SECTION 6-4. NONCONFORMING SIGNS

6-401. GENERAL

Nonconforming signs shall be subject to the standards in this section.

6-402. STATUS

Every sign which was a permitted legally existing sign at the time of its erection and which no longer complies with the standards of this chapter is deemed a legal nonconforming sign. For purposes of this section, a permitted legally existing sign means a sign that was constructed or in place with a valid permit from Lee County prior to December 31, 2014, or from the Village of Estero on or after December 31, 2014.

6-403. MAINTENANCE

A. Maintenance Required

Nothing in this subsection shall relieve the owner or user of a legal nonconforming sign or owner of the property on which the legal nonconforming sign is located from compliance with the provisions of this LDC, in particular this Chapter 6: Signage, regarding safety, maintenance, and repair of signs.

B. Maintenance Limits

Any repair or refurbishing of a nonconforming sign that exceeds 25 percent of the value of the sign in its preexisting state shall be considered as an act of placing a new sign and not an act of customary maintenance (see Sec. 6-405.A, Creation of Illegal Sign). It shall be the responsibility of the permittee to provide the Director with adequate proof of the cost of such work in the form of an itemized statement of the direct repair cost when requested.

C. Lighting

The act of lighting a nonconforming sign shall be considered as an act of placing a new sign and not an act of customary maintenance (see Sec. 6-405.A, Creation of Illegal Sign).

6-404. RECONSTRUCTION AFTER DAMAGE

If any nonconforming sign is destroyed to an extent of 50 percent or more of its assessed value at the time of destruction, the sign shall not be replaced or repaired, in part or in full, except in full compliance with this Chapter 6: Signage.

6-405. LOSS OF LEGAL NONCONFORMITY

A. Creation of Illegal Sign

A nonconforming sign shall become an illegal sign if:

1. More than 50 percent of the sign is removed or unassembled for a period of more than six months.
2. A sign face remains blank, defined as void of advertising matter, for a period of 12 months. Signs displaying an “available for lease” message or similar message, and partially obliterated signs which do not identify a particular product, service, or facility are considered to be blank signs.
3. The sign is altered or relocated in any manner which increases its nonconformity or causes it to be less in compliance with the provisions of this chapter.
 - A. A change in the copy of a sign listed as a prohibited sign in Sec. 6-104, Prohibited Signs, is presumed to be an alteration which increases nonconformity.
 - B. To establish that the nonconformity is not increased by replacing copy on a sign, other than on a changeable copy sign (where it is presumed that changing copy cannot increase nonconformity) or a prohibited sign (where a change of copy is never allowed), a sealed statement from a state-certified engineer certifying that the sign meets the structural integrity required by the current applicable Building Code shall be submitted to the Building Official in those instances when engineering documents are required for original placement of such a sign (see Sec. 2-505.B, Monument Sign Permit).
4. Repair or refurbishment in excess of 25 percent of the value of the sign in its preexisting state.
5. A billboard is expanded or the copy area of the sign is converted to an electronic sign, except along state or county roads where state law provides otherwise.
6. The sign is replaced.

B. Disposition of Illegal Sign

1. A nonconforming sign that has lost its nonconforming status shall be immediately brought into compliance with Chapter 6: Signage, or the sign shall be removed.
2. The existence of an illegal sign or a nonconforming sign does not constitute a hardship warranting the issuance of a variance from the provisions of this section or Chapter 6: Signage.

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CHAPTER 7. NATURAL RESOURCES

SECTION 7-1. NATURAL RESOURCES GENERAL STANDARDS

7-101. PURPOSE AND APPLICABILITY

Chapter 7: Natural Resources includes specific standards and regulations grouped by subject that require development to protect natural, historic, and scenic resources, including air, surface, and subsurface waters, and preserve their ecological integrity. These standards are initially reviewed as a part of certain applications to the Village.

SECTION 7-2. ENVIRONMENTAL AND NATURAL RESOURCE STANDARDS

7-201. WILDLIFE AND HABITAT PROTECTION

A. Southern Bald Eagle

1. *Purpose and Intent*

The purpose of this subsection is to maintain a stable or increasing population of the southern bald eagle by protecting southern bald eagle critical nesting habitat. This is intended to be accomplished with incentives and proper habitat management through a management plan for land subject to imminent development.

2. *Applicability*

The requirements of this subsection apply to lands within 660 feet of an active southern bald eagle nest.

3. *Southern Bald Eagle Standards Are Supplemental*

This subsection does not replace the Federal Endangered Species Act, the Federal Migratory Bird Treaty Act, the Federal Bald and Golden Eagle Protection Act, the Florida Endangered Species Act, or the permitting requirements of FWC's Bald Eagle Permitting Framework, which is incorporated in FWC Rule 68A-16.002, F.A.C. Instead, it is intended to supplement those laws to ensure protection of southern bald eagle critical nesting habitat.

4. *Public Acquisition of Rights and Interest in Critical Eagle Nesting Habitat Lands*

The Village may acquire rights and interests in land designated as southern bald eagle critical nesting habitat. When a developer or property owner cannot accommodate southern bald eagle critical nesting habitat through reasonable site planning or proper access, the Village may acquire an interest through:

1. Receiving donations for acquisition of southern bald eagle critical nesting habitat lands;
2. Purchase or conveyance by dedication of a perpetual conservation easement for southern bald eagle critical nesting habitat lands;
3. Outright purchase or lease of southern bald eagle critical nesting habitat lands; or
4. Implementation by the Village Council of any combination of these or other actions to acquire rights and interests that balance the public and private interests.

5. *Notification Procedure*

The Director will notify the FWC and the United States Fish and Wildlife Service (USFWS) upon receipt of a development application for land located within 660 feet of a southern bald eagle nest. The notice shall include any available information gathered by the Village or Lee County regarding the behavior of the eagles that are occupying the nest.

6. *Mechanisms for the Protection of Southern Bald Eagle Critical Nesting Habitat*

A. *Construction of Single- or Two-family Dwellings (Including Accessory Structures)*

Appropriate conditions limiting or prohibiting development during the nesting season may be attached to any development approval or permit approved under this LDC for single-family or

two-family development, where such conditions are deemed necessary to prevent a loss of southern bald eagle critical nesting habitat. Such conditions may include but are not limited to defining the dates, equipment, and hours of operation for exterior construction to avoid disturbing a nesting eagle, eggs, or nestlings; provisions for habitat enhancement; or other provisions to protect the viability of the nest.

B. *Agricultural Activities*

Any person intending to conduct new agricultural activities on lands subject to this subsection shall consult with the Director prior to submitting any development application. If any improvements are proposed to occur within 330 feet of the critical nesting habitat, a bald eagle management plan consistent with the FWC Bald Eagle Management Plan shall be prepared, and mitigation and other design elements implemented to protect the habitat. Any proposal for improvements within 330 feet shall indicate that crop planting or harvesting will not occur during nesting season to avoid impacts to the critical nesting habitat.

C. *All Other Development*

1. Any person intending to develop land that is subject to the requirements of this subsection is encouraged to consult with the Director as early in the planning and design process as possible, to ensure there is protection and enhancement of the critical nesting habitat. A bald eagle management plan that protects critical nesting habitat shall be prepared and submitted with any development application. The Director may determine the form and content of the management plan to ensure and enhance the protection of critical nesting habitat.
2. Prior to consideration by the Village Council, all eagle management plans shall be reviewed by the Director and sent to the PZDB for review and comment.
3. No construction (structures or site work) shall occur within 660 feet of the critical nesting habitat during the nesting season, unless this provision is modified in an approved bald eagle management plan.
4. In determining whether the proposed development, management plan, and proposed conservation measures protect the southern bald eagle critical nesting habitat in accordance with this subsection, the Village Council shall consider the intensity of the proposed and existing development, the quality of the critical nesting habitat, the behavior of the specific nesting eagles, the extent of measures proposed in the management plan, and their consistency with the guidelines promulgated by FWC and the USFWS for the management plan. The Village Council may request technical assistance from the FWC or the USFWS, if appropriate. All these factors shall form the basis for the Village Council's decision on whether the proposed development and management plan protects the southern bald eagle critical nesting habitat and shall be approved, approved with conditions, or disapproved.
5. All development within critical nesting habitat and buffer areas shall comply with an approved development order and the bald eagle management plan.
6. A new or amended management plan will be required if subsequent development or a change in use is proposed that is inconsistent with an approved development order and management plan, or if a new or revised management plan is required in accordance with a condition included in the approved management plan.
7. An approved management plan will remain effective notwithstanding the abandonment of a nest unless the abandonment occurs prior to the use of any incentives (see Sec. 7-201.A.7, Compensation Incentives for Protection of Critical Nesting Habitat) and the property owner relinquishes the incentives by amending the development order or taking other appropriate action.

7. *Compensation Incentives for Protection of Critical Nesting Habitat*

If the Village Council elects not to acquire a critical nesting habitat, the Council may permit all or some of the following special compensation benefits as incentives to the developer or property owner to protect critical nesting habitat in exchange for the property owner's agreement to institute mechanisms for protection or enhancement of the critical nesting habitat on the property:

- A. For a buffer area of 330 feet in radius or an approximate equivalent acreage, the property owner shall be allowed to transfer density from within the buffer area to designated upland areas within the subject property at the same density permitted for the property as determined through the planned development process. For a buffer area or portion thereof composed of wetlands, an internal transfer of one development right per five acres applies.
- B. For a buffer area of 660 feet in radius or an approximate equivalent acreage, in addition to the benefit set forth in subsection (A), above, the eagle preserve may offset any indigenous preserve or open space requirement at a ratio of 1.5:1 (1.5 acre of indigenous preserve or open space area is offset by each acre of eagle preserve);
- C. The buffer areas shall be designated as critical nesting habitat and conveyed to the Village by either warranty deed or dedication of a perpetual conservation easement as a condition of receiving the incentives in this subsection.

8. *Violations and Penalties*

- A. Any person who violates this subsection is in violation of this LDC and may be punished as provided by Ordinance 2015-14. The person will also be responsible for costs and expenses involved in the case. Each day a violation continues will be considered a separate offense.
- B. Any person who violates this subsection may be required to restore the southern bald eagle critical nesting habitat to its original undisturbed condition. If restoration is not undertaken within a reasonable time after notice, the Village may take necessary corrective action, the cost of which will be placed as a lien upon the land where the violation occurs.
- C. Any violation of this subsection is a public nuisance and may be restrained by injunction by any interested party.
- D. The Village will notify the FWC of wildlife complaints or potential FWC rule violations. The Village will coordinate with FWC in enforcement activities.

B. Manatee Protection

1. *Purpose and Intent*

The purpose of this subsection is to provide increased protection for the West Indian Manatee in the Village and Lee County.

2. *Approval of Manatee Protection Plan*

The *Lee County Manatee Protection Plan* (Manatee Protection Plan), dated June 17, 2004, approved by the Lee County Board of County Commissioners on June 29, 2004, and as amended and in effect on December 31, 2014, is incorporated herein by reference. Incorporation of the *Manatee Protection Plan* by reference includes any subsequent amendments or designated replacement plan approved by the Village Council.

3. *Applicability*

A. *General*

The standards of this subsection, including the *Manatee Protection Plan*, apply to all lands that are public navigable waters, creeks, bayous, canals, and channels, whether natural or manmade, and appurtenant adjacent lands within the Village.

B. *Manatee Protection Plan Provisions Prior to December 31, 2014*

To the extent provisions of the *Manatee Protection Plan* written prior to December 31, 2014 include areas outside the jurisdiction of the Village, those provisions shall be considered nonbinding guidance.

4. *Standards*

In reviewing a development application subject to the requirements of this subsection, the review body or person shall ensure the development proposal complies with the policies and requirements of the *Manatee Protection Plan*.

C. Habitat Protection for Additional Listed Species

1. Purpose and Intent

The purpose of this subsection is to provide standards, guidelines, and requirements to protect listed animal and plant species identified in Appendix H: Protected Species List, by safeguarding the habitat in which these species are found from the impacts associated with land development.

2. Development Application Requirements

The following requirements shall be followed:

- A. Except as set forth in subsection D below, a survey shall accompany all planned development applications and all development order or limited development order applications, as applicable, where the Florida Land Use, Cover and Forms Classification System codes for the property indicate a possible presence of a species listed in Appendix H: Protected Species List:
 1. The survey shall be prepared using survey methods which are set forth in the Administrative Manual, except that an alternative method may be approved by the Director.
 2. The survey shall include the presence of listed species in the Village (sightings, signs, tracks, trails, nests, evidence of feeding, etc.), population estimates, and occupied habitat boundaries.
 3. A map and narrative shall describe the methodology, as applied, and the findings. The mapped information shall be at the same scale as the development order or limited development order, whichever is applicable, and include an aerial map at a scale of one inch is less than or equal to 400 feet.
- B. Approved species surveys are valid for five years from the date of approval. If the subject parcel has habitat that is significantly altered, the Director shall determine whether a partial or complete re-survey is required.
- C. A management plan shall be submitted with all planned development applications. A management plan shall be required for all development orders or limited development orders, whichever is applicable, if listed species are found on the property, except as set forth in subsection D below. The management plan shall meet the requirements of Sec. 7-201.C.3, Management Plan, and is subject to final approval by the Director. If the master concept plan on land approved as a planned development is vacated, a species survey and management plan will be required, unless the Director determines that prior surveys and management plans are adequate.
- D. Surveys and management plans are not required for:
 1. Projects less than ten acres in land area and less than two acres in impervious area; or
 2. Lands approved as a planned development (PD) prior to September 1, 1989 that are developed.

3. Management Plan

A. Components of Plan

The management plan required under this subsection shall include:

1. A one inch equals 200 feet aerial map and a map at the scale of the development order, limited development order, or plat, whichever is applicable, and drawings that include the following:
 - (a) Habitat classifications depicted using the Florida Land Use, Cover and Forms Classification System;
 - (b) The location of individuals, nest sites, dens, burrows, feeding locations, roosting and perching areas, and trails, as appropriate; and
 - (c) Areas to be preserved, including habitat and buffers;
2. Recommended management activities; and
3. An action plan with specific implementation activities, schedules, and assignment of responsibilities.

B. *Occupied Habitat Buffer Areas Established*

Occupied habitat buffer areas shall be established for occupied habitat and shall extend at a distance appropriate for the listed species as set forth in Appendix H: Protected Species List, except where off-site mitigation is permitted in accordance with Sec. 7-201.C.4, Off-Site Mitigation. If the FWC has established the size and dimensions of an occupied habitat buffer area, those boundaries will supersede the distances shown in Appendix H: Protected Species List.

C. *Development and Occupied Habitat Areas*

The occupied habitat buffer area shall remain free of development, except for development that will not degrade species existing on the site. Occupied habitat buffer areas may be impacted by development if off-site mitigation is utilized in accordance with Sec. 7-201.C.4, Off-Site Mitigation. These buffer areas shall be identified on all associated applications, as applicable. Buffer areas shall not be divided by lot lines unless the Director determines that the division of these buffer areas by lot lines is consistent with the protected species management plan. A conservation easement or similar property interest shall be granted to the Village for the preserved property as a condition of the development order, limited development order, or final plat approval, whichever is applicable, unless the Director determines it is not logistically or economically feasible for the Village to maintain the easement. Encroachments into occupied habitat and habitat buffer are permissible only after the incentives set forth in Sec. 7-201.C.3.E, Occupied Habitat Buffer Area Incentives, are exhausted or off-site mitigation is permitted in accordance with Sec. 7-201.C.4, Off-Site Mitigation.

D. *Conservation Easements*

If adjacent parcels include conservation easements or other public interest in the land, diligent effort shall be made to connect the easements.

E. *Occupied Habitat Buffer Area Incentives*

The Village allows specific development incentives for the preservation of occupied habitat areas under this subsection. This incentive system applies only to those areas where other incentives have not been utilized and that are not preserved in accordance with Sec. 7-201.C.4, Off-Site Mitigation. Occupied habitat buffer area incentives include the following:

1. Allowing required occupied habitat buffer areas to be used to address any applicable minimum open space standards at a ratio of one unit habitat and habitat buffer to one and one half unit required open space. In no event shall this credit be interpreted to reduce any required occupied habitat buffer area.
2. Single-family developments consisting solely of conventional single-family dwellings on lots 6,500 square feet in area or greater that do not have an open space requirement shall be exempt from Section 5-4, Landscape Standards, except for the minimum buffer requirements, so long as the applicant preserves occupied habitat buffer areas consisting of no less than ten percent of the development area.
3. To the extent that occupied habitat buffer areas exceed applicable minimum open space requirements after the use of the above-described ratio in subsection 1, above, or as in subsection 2, above, exceeds ten percent of the development area, the Village shall allow encroachment into the occupied habitat.

F. *Consideration of State Guidelines for Listed Species*

In cases where FWC has guidelines for a listed species, those guidelines shall be considered in the preparation of the management plan.

G. *When Determination Made Without State Expertise*

If the FWC fails to review any plan in conjunction with the Village's allotted time schedules, determinations may be made without the benefit of FWC expertise.

H. *Responsibility for Implementation of Management Plan and Monitoring Report Review*

Management plan implementation is the responsibility of the development owner and operator. A monitoring report on the condition of the habitat and management techniques applied to the habitat shall be submitted to the Director for review annually for five

consecutive years, beginning with the date that the development order, limited development order, or plat, whichever is applicable, is approved.

I. *Management Plan Finalization*

The management plan shall be finalized prior to issuance of the development order.

4. *Off-Site Mitigation*

- A. On-site mitigation is preferred. If the Director determines On-site mitigation is not possible, off-site mitigation is permitted in-lieu of the preservation of occupied habitat buffer areas as required in Sec. 7-201.C.3.B, Occupied Habitat Buffer Areas Established, to the extent it is consistent with the requirements of the USFWS and the FWC rules and guidelines.
- B. The applicant shall obtain and submit appropriate permits for off-site mitigation before a development order may be issued.
- C. A permanent management commitment for the relocation recipient site which is compatible with long-term protected species viability shall be ensured by either filing conservation easements for the site(s) in accordance with Sec. 704.06, Fla. Stat., or other formal commitments that are approved by the Village Land Use Attorney and enforceable by the Village.

7-202. WELLFIELD PROTECTION

A. Purpose

1. *General*

The purpose of this subsection is to assist in protecting potable water supply by:

- A. Prohibiting or regulating abandoned wells and certain land uses and wellfields activities involving hazardous substances, toxic substances, and sanitary hazards within certain defined protection zones around the public utility potable water supply; and
- B. Providing standards for the regulation of activities that may allow the entrance of brackish water into identified protection zones surrounding existing wellfields, and prohibiting or regulating hazardous substances, toxic substances, and sanitary hazards within identified protection zones surrounding such wellfields, protecting existing public potable water supply wells from contamination.

2. *Intent*

The subsection is intended to supplement the rules and regulations promulgated by the state and federal government concerning groundwater supplies, wellheads, public drinking water, potable water, monitoring, sanitary hazards, and similar public water supply provisions.

B. Applicability

1. Unless exempted by subsection C below, this subsection applies to:

- A. All abandoned wells and certain public utility potable water supply wellfields.
- B. All areas surrounding a wellfield designated as wellfield protection zones on the Wellfield Protection Zone Map, which is incorporated herein as Appendix I: Wellfield Protection Zone Map.
- C. All storage facilities for petroleum products not regulated by Sec. 376.317, Fla. Stat., or Ch. 62-761 and Ch. 62-762, F.A.C.
- D. Sanitary hazards.

2. This section only applies to a residential or commercial land use or activity when:

- A. The aggregate sum of all quantities of any one regulated substance on a given parcel or in a certain building exceeds 110 gallons if the substance is a liquid, or 1,110 pounds if the substance is a solid; or
- B. No single substance exceeds the limits referenced in subsection A above, but the aggregate sum of all regulated substances present on a given parcel or in a given building exceeds 110 gallons if the substances are liquids, or 1,110 pounds if the substances are solids.

3. Where regulated substances are dissolved in or mixed with nonregulated substances, only the actual quantity of the regulated substance present will be used to determine applicability. Where a regulated substance is a liquid, the total volume of the regulated substance present in a solution or mixture of the substance with other substances will be determined by volume percent composition of the regulated substances.
4. This subsection applies to all existing activities regulated under this subsection within Village jurisdiction and relates back to September 1, 1989. Existing activities include all activities that were approved by the Village Council or by Lee County before December 31, 2014, under a valid building permit or occupational license.

C. Exemptions

1. *General Exemption*

Certain existing or proposed public and quasi-public land uses and activities may be declared exempt from the provisions of this subsection by the Village Council. This exemption will be granted only upon a finding made by the Council in a public meeting that the existing or proposed land use or activity serves an overriding public need and that it would be economically impractical or scientifically impossible for the land use or activity to comply with the requirements of this subsection or be relocated to an area outside of the protection zones established by this subsection. As a basis for granting the exemption, the Council may impose conditions on the proposed land use or activity that are designed to ensure compliance with the provisions of this subsection, to the greatest extent possible.

2. *Special Exemptions*

The following activities or uses are exempt from the provisions of Sec. 7-202.F, Prohibited and Regulated Activities Within Protection Zones:

A. *Application of Pesticides*

The application of regulated substances used as pesticides, herbicides, fungicides, and rodenticides in recreation, agriculture, pest control, and aquatic weed control activities, provided that:

1. Application of the substance is in strict conformity with the use requirements set forth in the EPA registry for that substance, and as indicated on the containers in which the substances are sold;
2. The application is in strict conformity with the requirements set forth in Ch. 482 and Ch. 487, Fla. Stat.; and Ch. 5E-2 and Ch. 5E-9, F.A.C.;
3. The application of the pesticides, herbicides, fungicides, and rodenticides is flagged in the records of the certified operator supervising the use. The certified operator shall provide written notice to the applicators under the operator's supervision, indicating that they are working at a site located in Protection Zone 1, 2, 3, or 4 and that particular care is required. Records shall be kept of the date and amount of regulated substances applied at each location. These records shall be made available for inspection at reasonable times by the Director; and
4. All nonresidential applicators applying regulated substances obtain a single operating permit covering all application operations using regulated materials, and comply with the requirements set forth in this subsection.

B. *Continuous Transit*

The transportation of any regulated substance provided that:

1. The transporting motor vehicle is in continuous transit; or
2. The transport of regulated substances through existing permanent pipelines within Protection Zones 1, 2, and 3 is in accordance with the applicable regulations. In Protection Zone 4, transport activity is exempt, provided that permitted uses and activities are not changed and that leak detection and monitoring procedures are employed.

C. *Vehicular and Lawn Maintenance Fuel and Lubricant Use*

The use of any regulated substance solely as lubricant or as fuel in a vehicle or in equipment used for lawn maintenance, mobile construction, or mining. (No operating permit is required.)

D. *Emergency Services and Public Utilities*

Except for the maintenance and refueling of vehicles, existing fire, police, emergency medical services, county emergency management center facilities, and public utilities are exempt from the provisions of Sec. 7-202.F.1, Protection Zone 1 Regulated, provided they obtain an operating permit. (No operating permit is required in Protection Zones 3 and 4.)

E. *Retail Sales Activities*

Retail sales establishments that store and handle regulated substances for resale in their original unopened containers are exempt from the prohibition in Sec. 7-202.F.1, Protection Zone 1 Regulated, provided those establishments obtain an operating permit. (No operating permit is required in Protection Zones 3 and 4.)

F. *Office Uses*

Office uses, except for the storage, handling, or use of regulated substances.

G. *Construction Activities*

The construction, repair, or maintenance of a facility or improvement within a Protection Zone provided that all contractors, subcontractors, laborers, suppliers and their employees who are using, handling, storing, or producing regulated substances use the applicable best management practices set forth in Sec. 7-202.I, Best Management Practices for the Construction Industry. No operating permit is required.

3. *Administrative Exemption*

A. Any person affected by this subsection may petition the Director for an exemption from the prohibitions and monitoring requirements. The petition shall set forth competent and substantial evidence indicating:

1. Special or unusual circumstances exist that support a waiver of the prohibition or monitoring requirements; and
2. The technology that will be employed to isolate the facility or activity from the potable water supply in the event of a spill.

B. The grant of an exemption may include conditions and safeguards necessary to protect the wellfield governed by this subsection.

D. *Wellfield Protection Zones Defined*

Four types of Protection Zones are established in this subsection using scientific criteria relating to the physical characteristics of the water supply aquifer and the transport gradients caused by either natural forces or induced pumpage of the wellfields (see Sec. 7-202.H, Criteria for Establishing Protection Zones). The transport times associated with the protection zones are designed to allow adequate time to carry out mitigating procedures to prevent wellfield contamination in the event of spillage of any regulated substance.

1. *Protection Zone 1 Defined*

Protection Zone 1, which is identified in Appendix I: Wellfield Protection Zone Map, consists of all land situated between the well and the water table aquifer six-month travel time zone demarcation.

2. *Protection Zone 2 Defined*

Protection Zone 2, which is identified in Appendix I: Wellfield Protection Zone Map, consists of all land situated between the well and the planar geometric union of the largest of the following three travel time zones:

- A. Water table aquifer one-year travel time zone demarcation.
- B. Lower Tamiami aquifer one-year travel time zone demarcation.
- C. Sandstone aquifer one-year travel time zone demarcation.

3. *Protection Zone 3 Defined*

Protection Zone 3, which is identified in Appendix I: Wellfield Protection Zone Map, consists of all land situated between the well and the planar geometric union of the largest of the following three travel time zones:

- A. Water table aquifer one-year travel time zone demarcation and the water table aquifer five-year travel time zone demarcation.
- B. Lower Tamiami aquifer one-year travel time zone demarcation and the Lower Tamiami five-year travel time zone demarcation.
- C. Sandstone aquifer one-year travel time zone demarcation and the Sandstone aquifer five-year travel time zone demarcation.

4. Protection Zone 4 Defined

Protection Zone 4, which is identified in Appendix I: Wellfield Protection Zone Map, consists of all land situated between the well and the planar geometric unit of the largest of the following three travel time zones:

- A. Water table aquifer five-year travel time zone demarcation and the water table aquifer ten-year travel time zone demarcation.
- B. Lower Tamiami aquifer five-year travel time zone demarcation and the Lower Tamiami ten-year travel time zone demarcation.
- C. Sandstone aquifer five-year travel time zone demarcation and the Sandstone ten-year travel time zone demarcation.

E. Regulated Hazardous or Toxic Substances and Sanitary Hazards

Regulated substances include, but are not limited to, those deleterious substances and contaminants that have one or more of the following characteristics:

- 1. Substances, including degradation and interaction products, which because of quality, concentration or physical or chemical characteristics (including ignitability, corrosivity, reactivity and toxicity), infectious characteristics, radioactivity, mutagenicity, carcinogenicity, teratogenicity, bioaccumulative effect, persistence (nondegradability) in nature, or any other characteristic relevant to a particular material, may cause significant harm to human health or the environment, including surface water and groundwater, plants or animals;
- 2. Substances identified as hazardous under 40 CFR part 261, subpart D (List of Hazardous Wastes), 40 CFR 261, Appendix VIII (Hazardous Constituents) and 40 CFR 302 (Designation, Reportable Quantities, and Notification);
- 3. Exhibit characteristics of ignitability, corrosivity, reactivity, or toxicity, as identified in 40 CFR 261.20-261.24 (Characteristics of Hazardous Waste);
- 4. Are priority toxic pollutants listed in 40 CFR 129 (Toxic Pollutant Effluent Standards);
- 5. Contain a degradation product which is toxic, including petroleum-based products;
- 6. Are restricted-use pesticides, as that term is used in Ch. 487, Fla. Stat., Pesticide Regulation and Safety, and listed in Chs. 5E-2, Pesticides, and 5E-9, Licensed Pesticide Applicators and Dealers, F.A.C.;
- 7. Contain brackish or saline water that contains total dissolved solids in excess of 1,000 parts per million and chlorides in excess of 500 parts per million;
- 8. Are raw or partially treated sewage; or
- 9. Sanitary hazards.

F. Prohibited and Regulated Activities Within Protection Zones

1. Protection Zone 1 Regulated

A. Prohibitions

Except as provided in Sec. 7-202.C, Exemptions, the following land uses or activities are prohibited in Protection Zone 1:

- 1. The use, handling, production, or storage of regulated substances associated with land uses or activities regulated by this subsection in quantities greater than those set forth in Sec. 7-202.B, Applicability.
- 2. Wastewater effluent disposal, except for public access reuse of reclaimed water and land application under the conditions set forth and defined in Ch. 62-610, part III, F.A.C. Where public access reuse is permitted, the chloride content shall be no greater than 500 milligrams per liter.

3. Liquid waste disposal.
4. Solid waste disposal.
5. Earth mining within a 500-foot radius of an existing wellhead.

B. Regulations

1. Except as provided in Sec. 7-202.C, Exemptions, land uses or activities involving the use, handling, production, or storage of regulated substances in quantities greater than those set forth in Sec. 7-202.B, Applicability, are prohibited within Protection Zone 1, unless an operating permit for the prohibited activity, issued on or before September 1, 1989, remains viable.
2. The owners of any sanitary sewer, force main, gravity sewer, or lateral shall notify the Village of any break in the sewer lines within 24 hours of discovery. The purpose of this requirement is to allow the Village to monitor repairs to the line and any necessary cleanup activities.
3. Stormwater or surface water discharges within this protection zone shall conform to existing SFWMD and DEP rules.

2. Protection Zone 2 Regulated

A. Prohibitions

Except as provided in Sec. 7-202.C, Exemptions, the following land uses or activities are prohibited in Protection Zone 2:

1. The use, handling, production, or storage of regulated substances associated with activities regulated by this subsection in quantities greater than those set forth in Sec. 7-202.B, Applicability.
2. Wastewater effluent disposal, except public access reuse of reclaimed water and land application under the conditions set forth and defined in Ch. 62-610, part III, F.A.C., may be permitted. Where public access reuse is permitted, the chloride content shall be no greater than 500 milligrams per liter.
3. Liquid waste disposal.
4. Solid waste disposal.
5. Earth mining within a 500-foot radius of an existing wellhead.

B. Regulations

1. Except as provided in Sec. 7-202.C, Exemptions, land uses or activities involving the use, handling, production, or storage of regulated substances in quantities greater than those set forth in Sec. 7-202.B, Applicability, are prohibited within Protection Zone 2 unless an operating permit for the prohibited activity, issued on or before September 1, 1989, remains viable or, an administrative exemption is granted under Sec. 7-202.C, Exemptions, to allow issuance of an operating permit.
2. Stormwater or surface water discharge within this protection zone shall conform to existing SFWMD and FDEP rules.

3. Protection Zone 3 Regulated

A. Prohibitions

Except as provided in this subsection, the following land uses or activities are prohibited in Protection Zone 3:

1. The use, handling, production, or storage of regulated substances associated with activities regulated by this subsection in quantities greater than those set forth in Sec. 7-202.B, Applicability.
2. Wastewater effluent disposal, except that public access reuse of reclaimed water and land application under the conditions set forth in Ch. 62-610, part III, F.A.C., may be permitted. Where public access reuse is permitted, the chloride content shall be no greater than 500 milligrams per liter.
3. Liquid waste disposal.
4. Solid waste disposal.

B. Regulations

1. Except as provided in Sec. 7-202.C, Exemptions, all land uses or activities involving the use, handling, production, or storage of regulated substances occurring within Protection Zone 3 shall be conducted in accordance with a valid operating permit.
2. All operating permits shall be renewed annually.
3. Stormwater or surface water discharged within this protection zone shall conform to existing SFWMD and FDEP rules.

4. Protection Zone 4 Regulated

A. Prohibitions

Except as provided in Sec. 7-202.C, Exemptions, all activity involving the use, handling, production, or storage of a regulated substance in quantities greater than those set forth in Sec. 7-202.B, Applicability, is prohibited in Protection Zone 4, unless a valid operating permit is obtained.

B. Regulations

1. Except as provided in Sec. 7-202.C, Exemptions, land uses or activities involving the use, handling, production, or storage of regulated substances in Protection Zone 4, shall be conducted in accordance with a valid operating permit.
2. All operating permits shall be renewed annually.
3. Stormwater or surface water discharged within this protection zone shall conform to existing SFWMD and FDEP rules.

G. Abandoned Wells

Abandoned wells on property lying within the ten-year travel time zone of a well regulated by this subsection shall be physically plugged in accordance with the provisions of Lee County Ordinance No. 06-09, Section 9.3.4.

H. Criteria for Establishing Protection Zones

1. The Wellfield Protection Zone maps (see Appendix I: Wellfield Protection Zone Map) have been developed based on steady state groundwater flow and transient contaminant transport to wells or wellfields regulated by this subsection that considers all, but not exclusively, the following factors:
 - A. Mathematical solution considers three-dimensional flow of a homogeneous, incompressible fluid through a nonhomogeneous, anisotropic aquifer.
 - B. Confined and unconfined aquifer flow conditions are applied as appropriate in layered aquifers calibrated to the county's hydrogeologic conditions for steady state, regional flow.
 - C. Area-specific values of hydrogeologic parameters including both horizontal and vertical hydraulic conductivity are used.
 - D. Aquifer-specific values of contaminant transport parameters, including longitudinal and transverse dispersivity coefficients, and effective porosity are used.
 - E. Recharge from rainfall is assigned to be zero to establish consecutive calculations of the protection zones.
 - F. Conservative contaminants that do not decay and do not absorb to the porous medium are assumed.
 - G. Wellfield locations, and well locations within wellfields, are specified.
 - H. Wellfield pumping rates are assigned as the greater of the average annual rate permitted by SFWMD or the maximum historical average annual rate, but not more than the present estimated capacity.
 - I. Pumpage is distributed among individual wells in a wellfield by prorating total pumpage based on the present estimated capacity of each well.
 - J. Identification of travel time contours is determined by determining distances where contamination would have been six months, one year, five and ten years in the past if theoretical contamination appeared in wells at the present. The travel time zones incorporate

- the influence of both the wellfield zone of influence due to pumping and the regional groundwater flow gradient.
2. The protection zones indicated on the Wellfield Protection Zone Maps are the planar geometric union of the largest of the travel time protection zones determined as follows:
 - A. Water table (surficial) aquifer system, as follows:
 1. Water table, six-months: The land situated between an existing public water supply well and the six-month travel time contour.
 2. Water table, one-year: The land area situated between the well and the one-year travel time contour.
 3. Water table, five-year: The land area situated between the well and the five-year travel time contour.
 4. Water table, ten-year: The land area situated between the well and the ten-year travel time contour.
 - B. Lower Tamiami (surficial) aquifer system, as follows:
 1. Lower Tamiami, one-year: The land area situated between an existing public water supply well and the one-year travel time contour.
 2. Lower Tamiami, five-year: The land area situated between the well and the five-year travel time contour.
 3. Lower Tamiami, ten-year: The land area situated between the well and the ten-year travel time contour.
 - C. Sandstone (intermediate) aquifer system, as follows:
 1. Sandstone, one-year: The land area situated between an existing public water supply well and the one-year travel time contour.
 2. Sandstone, five-year: The land area situated between the well and the five-year travel time contour.
 3. Sandstone, ten-year: The land area situated between the well and the ten-year travel time contour.
 - D. Mid-Hawthorne (intermediate) aquifer system, referenced as Mid-Hawthorne, ten-year: The land situated between existing public water supply wells and the ten-year travel time contour.
 - E. Lower Hawthorne (Floridan) aquifer system, referenced as Lower Hawthorne ten-year: The land situated between existing or proposed water supply wells and the ten-year travel time contour.
 3. The aquifers referenced in this subsection are identical to those listed in the report titled "Supporting Documentation for the Update of the Lee County Wellfield Protection Zones," dated January 2009 and "Supporting Documentation for the 2011 Update of the Lee County Wellfield Protection Zones," dated October 2011 by RMA GeoLogic Consultants, Inc.
- I. Best Management Practices for the Construction Industry**
1. The general contractor or, if none, the property owner, shall be responsible for ensuring that each contractor or subcontractor evaluates each site before construction is initiated to determine if any site conditions may pose particular problems for the handling of any regulated substances. For example, handling regulated substances in the proximity of water bodies or wetlands may be improper.
 2. If any regulated substances are stored on the construction site during the construction process, they shall be stored in a location and manner which will minimize any possible risk of release to the environment.
 - A. Any storage containers of 55 gallons, or 440 pounds, or more, containing regulated substances, shall have constructed below them an impervious containment system constructed of material of sufficient thickness, density, and composition that will prevent the discharge to the land, groundwaters, or surface waters of any pollutant which may emanate from the storage tanks.
 - B. Each containment system shall be able to contain 150 percent of the contents of all storage containers above the containment system.

3. Each contractor shall be required to be familiar with the manufacturer's safety data sheet supplied with each material containing a regulated substance and to be familiar with procedures required to contain and clean up any releases of the regulated substance. Any tools or equipment necessary to accomplish such containment and cleanup shall be available in case of a release.
4. Upon completion of construction, all unused and waste-regulated substances and containment systems shall be removed from the construction site by the responsible contractor and disposed of in a proper manner as prescribed by law.

J. Cease to Dewater Notice

If, as a result of monitoring, investigation, or analysis, the Village determines that groundwater resources have been adversely affected by dewatering activity, the Village may issue a cease to dewater notice. The notice may be issued to all persons involved in any dewatering activity. The existence of a permit does not prohibit the issuance of this notice.

K. Aquifer Storage and Recovery Wells

The installation of a water supply well is prohibited within 2,640 feet of an existing or permitted aquifer storage and recovery well, unless confinement exists between the production zone of the water well and the storage/production zone of the aquifer storage and recovery well.

L. Penalty for Violation of Chapter – Additional Remedies

The violator of any provision of this Sec. 7-202, Wellfield Protection, will be subject to the following penalties upon conviction:

1. Criminal penalties that are available under law.
2. Civil penalties, as instituted by the Village Council in any court or before any administrative board of competent jurisdiction, in order to prevent, restrain, correct or abate any violation of Sec. 7-202, Wellfield Protection, or of any order or regulation made in connection with its administration or enforcement, and the court or administrative board will adjudge such relief by way of injunction, or any other remedy allowed by law, or otherwise, to include mandatory injunction, as may be proper under all the facts and circumstances of the case, in order to fully effectuate the regulations adopted under this subsection and any orders and rulings made.

M. Retroactive Application to Existing Activities

The requirements and provisions of this subsection apply to all existing activities regulated under this subsection within the Village, and relate back to September 1, 1989. Existing activities include all activities that were approved by the Village under a valid building permit or occupational license, or by Lee County prior to Village incorporation.

7-203. WETLANDS PROTECTION

A. Purpose

The purpose of this section is to incorporate state-approved wetland regulations.

B. Applicability

The provisions of this section apply to all development in the Village.

C. Permits Required

An environmental resource permit (ERP) is required prior to any development that will impact wetlands. The ERP is issued by either the Florida Department of Environmental Protection (FDEP) or the South Florida Water Management District (SFWMD) in accordance with Ch. 373, Fla. Stat. and Ch. 62, F.A.C.

D. Incorporation of State Permits into Local Permits

The Village shall incorporate the terms and conditions of all state authorizations relating to wetlands, including ERPs, into any applicable development permit.

E. Compliance Enforcement

1. The Village may enforce the provisions of any state authorization relating to wetlands, including ERPs, issued and incorporated into an applicable development permit.

2. The Village may prosecute violations of state wetland regulations and ERP applicable conditions or requirements incorporated into local permits in accordance with Ordinance 2015-14.

7-204. MANGROVE PROTECTION

A. Purpose and Intent

1. The purpose of this subsection is to establish restoration standards and enforcement procedures for violations of FDEP mangrove protection rules, and to supplement and enhance FDEP enforcement efforts.
2. The intent of this subsection is to discourage the illegal alteration of mangrove trees by improving enforcement of FDEP mangrove protection regulations and to ensure that adequate restoration is provided within the Village. It is not the intent of this subsection to diminish any mangrove protection requirements set forth in Sec. 7-203, Wetlands Protection.

B. Applicability

This subsection applies to all development in the Village.

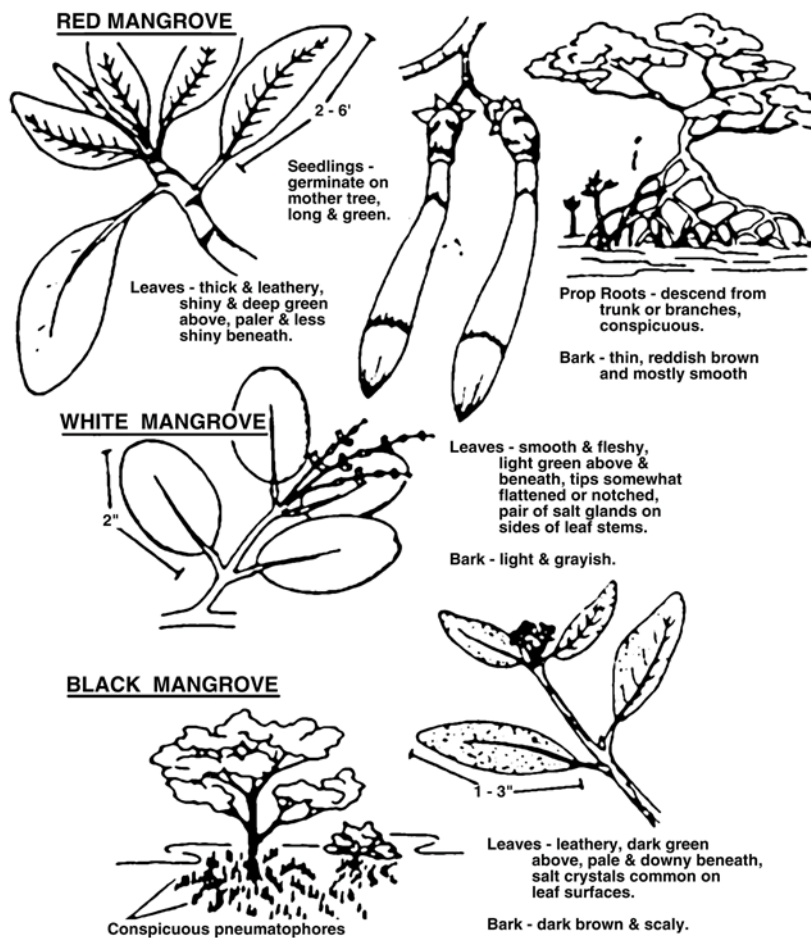
C. State Permit Required

No person or development activity shall directly or indirectly alter any mangrove tree without first obtaining a permit, where applicable, from the FDEP in accordance with the requirements of Sec. 403.9327, General Permit for Mangrove Trimming, Fla. Stat., and Sec. 403.9328, Individual Permit to Trim or Alter Mangroves, Fla. Stat.

D. Mangrove Identification

Figure 7-204.D: Mangrove Identification, demonstrates how to identify different types of mangroves.

Figure 7-204.D: Mangrove Identification



E. Restoration Standards

1. When any person violates FDEP mangrove protection requirements, the Director and the violator shall reach agreement on a restoration plan, or if they cannot agree, then, as a part of an appropriate enforcement order, a restoration plan shall be ordered in accordance with the standards in subsection 2 below. The restoration plan shall set forth replacement of the same mangrove species or any species approved by consent of the Director and violator, or by the terms of an enforcement order, as appropriate.
2. The restoration plan shall include the following minimum planting standards:
 - A. For each mangrove altered in violation of this subsection, three replacement mangroves shall be planted. If the number of altered mangroves cannot be determined, then the required number of replacement stock shall be computed according to the total area where all mangroves were unlawfully altered. The replacement stock shall be container grown mangroves no less than one year old and 24 inches in height. Replacement mangroves shall be planted at a minimum density of three feet on center. Higher density plantings may be required at the discretion of the Director based upon density and diameter of the mangroves on the site prior to the violation. If the density of mangroves cannot be determined where the violation occurred, then an assumption shall be made that the density was the same as on adjacent properties. The Director may allow a deviation from the above specified ratio. When such deviation is sought, the total of heights and diameter shall equal or exceed that specified in the above standards.
 - B. Mangrove alteration violations due to filling, excavation, drainage, and/or clearing shall be restored to natural ground elevation and soil conditions prior to commencement of replanting.
 - C. Replacement stock shall not be located on any property line or in any underground utility, drainage, or government easement.
 - D. If the species of mangrove on property where mangroves were altered cannot be identified, then a presumption shall be made that the mangroves illegally altered were of a similar species and distribution as those found on adjacent properties.
 - E. Replacement plantings shall have a minimum of 80 percent survival at the end of five years, with success monitored and evaluated on an annual basis, in accordance with subsection 3 below.
 - F. The restoration plan shall include a maintenance provision of no less than five years for the control of invasive exotic vegetation.
 - G. Within 90 days of completion of the restoration, a written report shall be submitted to the Director. The report shall include the date of completion, copies of the nursery receipts, a drawing showing the locations of the plantings, and color photographs of the planting areas taken from fixed reference points.
3. Annual monitoring and maintenance of the restored area shall include the following:
 - A. Removal of all exotic and nuisance vegetation in the area without disturbing the existing wetland vegetation.
 - B. Replacement of dead mangroves that were planted in order to assure at least 90 percent coverage at the end of the five-year period. Replacement mangroves shall be nursery grown and of the same species and at least the same height as those originally planted.
 - C. Submittal of a monitoring report to the Director on an annual basis for five years following the completion of the restoration describing the conditions of the mitigated site. The monitoring report shall include mortality estimates; causes for mortality (if known); growth, invasive and exotic vegetation control measures taken; and any other factors which would indicate the functional health of the planted mangroves.
 - D. Failure to submit the report in a timely manner shall constitute a violation of this subsection and this LDC.

F. Enforcement

Violations to Sec. 7-204, Mangrove Protection shall be subject to the following provisions in addition to general code enforcement:

1. Any equitable, legal, or leasehold owner of property who knew, or should have known, that illegal or improper trimming and/or removal of mangroves was occurring on property on which that

individual has any equitable, legal, or leasehold interest, and who permitted that activity to occur without notifying the Director of the person, organization, society, association, corporation, or any agency or representative thereof, shall be equally subject to any civil or criminal penalty available. When imposing a sentence, the court, hearing examiner, code enforcement board or any other appropriate body may, in mitigation, consider the successful replacement of mangroves illegally removed, and the restoration of the subject area when deemed by the court, the hearing examiner, the code enforcement board, or any other appropriate body that the action taken by the violator has eliminated or significantly decreased the ability of the mangrove system to recover or perform those functions for which it is being protected.

2. In any enforcement action under Sec. 7-204, Mangrove Protection, each mangrove, so altered, will constitute a separate violation.

7-205. CLEAN WATER PROVISION

A. Purpose and Intent

1. The purpose of this subsection is to provide regulations with respect to discharges into the Village of Estero Municipal Separate Storm Sewer System (MS4) and other receiving waters. In order to comply with the requirements of the National Pollution Discharge Elimination System (NPDES) permit, the Village shall establish regulations that will prohibit illicit discharges into the MS4 and other receiving waters and provide sufficient means to monitor and enforce local discharge regulations.
2. It is the intent of this subsection to prohibit any illicit, inappropriate, or harmful discharges into the MS4 or waters within the Village.

B. Applicability

This subsection applies to all development in the Village.

C. Prohibition

Unless exempted in accordance with subsection D below, there shall be no discharges into the Village MS4 except uncontaminated stormwater runoff.

D. Exemptions

The following discharges into the Village MS4 are specifically exempt from the requirements of this subsection, unless identified as a source of pollutants:

1. Waterline flushing;
2. Landscape irrigation;
3. Diverted stream flows;
4. Rising groundwaters and discharges associated with Village declared emergencies;
5. Uncontaminated groundwater infiltration (as defined in 40 CFR 35.2005(20)) to separate storm sewers;
6. Uncontaminated pumped groundwater;
7. Discharges from potable water sources;
8. Fountain drains;
9. Air conditioning condensate;
10. Irrigation water;
11. Springs;
12. Water from crawl space pumps;
13. Footing drains;
14. Lawn watering;
15. Individual residential car washing;
16. Flows from riparian habitats and wetlands;
17. Dechlorinated swimming pool discharge;
18. Street wash waters; and

19. Discharges or flows from emergency firefighting activities.

E. Industrial Activity

1. *Industrial Activity Classification*

A. For purposes of this subsection, all industrial activity falls into one of two major categories:

1. *Construction-Related Activity*

Construction-related activity, which includes sites of new development or significant redevelopment falling within the industrial activity categories in Secs. 7-205.E.1.D.9 and 10, below.

2. *On-going Industrial Activity*

On-going industrial activity, which includes sites that encompass uses or activities that are identified in industrial activity categories in Secs. 7-205.E.1.D.1 through 8, and 11, below.

B. Industrial activity development means those functions associated with an industrial site as defined in paragraph C below.

C. An Industrial site is a site directly related to manufacturing, processing, or raw materials storage. This term includes, but is not limited to, industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling (including the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product or waste product) sites; refuse sites; sites used for the application or disposal of processed wastewaters; sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas for raw materials (including tank farms) and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to stormwater.

D. In accordance with NPDES standards found in 40 CFR 122.26, the term "industrial site" also includes facilities engaging in the following categories of "industrial" activity:

1. Facilities subject to stormwater effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR Subchapter N;
2. Facilities classified as Standard Industrial Classifications (SIC) 20, 21, 22, 23, 24, 25, 26, 27, 28, 285, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 4221, 4222, 4223, 4224 and 4225;
3. Facilities classified as SIC 10 through 14 (mineral industry) including active or inactive mining operations (inactive mining operations are mining sites not being actively mined that have an identifiable owner/operator; inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation or possessing of mined materials, nor sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim) and ore and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge stormwater contaminated by contact with, or that has come into contact with, any overburden, raw material, intermediate products, finished products, byproducts, or waste products located on the site of such operation;
4. Hazardous waste treatment storage, or disposal facilities, including those that are operating under interim status or a permit under subtitle C of the Resource Conservation and Recovery Act (RCRA);
5. Landfills, land application sites, and open dumps that receive or have received any industrial wastes, including those facilities that are subject to regulation under subtitle D of RCRA;
6. Steam electric power generating facilities;
7. Transportation facilities classified as SIC 40, 41, 42, 43, 44, 45, and 5171 that have vehicle maintenance shops or equipment cleaning operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment clearing operations, or

which are otherwise identified under Sec. 122.26(b)(14)(i)-(vii) or (ix)-(xi), F.A.C., are associated with industrial activity;

8. Treatment works treating domestic sewage or any other sewage, sludge, or wastewater treatment device or system, used in storage treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 millions of gallons per day (mgd) or more, or required to have an approved pre-treatment program under 40 CFR part 403. Not included are farm lands, domestic gardens, lands used for sludge management where sludge is beneficially reused (and not physically located in the confines of the facility), or areas that are in compliance with Sec. 405 of the Federal Clean Water Act;
 9. Any construction activity including clearing, grading, and excavation activities, except for operations resulting in the disturbance of less than one acre of total land area that are not part of a larger common plan of development or sale;
 10. Any construction activity including clearing, grading, and excavation activities resulting in disturbance of less than one acre where the property is part of a larger development that obtained approval after October 1, 1992, and was required to obtain an NPDES permit; and
 11. Facilities involved in the recycling of materials including metal scrap yards, battery reclaimers, salvage yards, and automobile junk yards, including but not limited to those classified as SIC 5015 and 5093.
- 2. Construction Site Runoff**
- A. Compliance with this subsection applies to all construction associated with an industrial activity category (see Sec. 7-205.E.1, Industrial Activity Classification), that is not complete prior to July 1, 2003.
 - B. All development approvals or permits for development of more than one acre, including development orders (Sec. 2-502.A, Development Order), limited development orders (Sec. 2-502.B, Limited Development Order), and building permits, shall address stormwater quality issues, including construction runoff, as follows:
 1. Submit a Stormwater Pollution Prevention Plan (SWP3) for construction meeting the criteria set forth in Sec. 7-205.F, Stormwater Pollution Prevention Plan (SWP3) Criteria, prior to development order or limited development order approval, as applicable. If a development order or limited development order is not required, then the SWP3 shall be submitted prior to issuance of a building permit or tree removal/vegetation permit (Sec. 2-505.D, Tree Removal/Vegetation Permit), whichever occurs first. At the discretion of the Director, an affidavit or certification from a Florida licensed professional engineer shall be submitted prior to the start of construction activity, attesting that the SWP3 for construction has been prepared in accordance with Sec. 7-205.F, Stormwater Pollution Prevention Plan (SWP3) Criteria, and will be on site and available for review during all phases of construction;
 2. Maintain a copy of the SWP3 on site, at all times, for review by the Village; and
 3. File a notice of intent (NOI) with Village and FDEP, in accordance with the direction of FDEP Document No. 62-621, at least 48 hours prior to start of construction.

3. Industrial Site Runoff

Development that would cause industrial site runoff is not permitted.

F. Stormwater Pollution Prevention Plan (SWP3) Criteria

For purposes of this subsection, all SWP3s shall:

1. Comply with the requirements of 40 CFR 122.26;
2. Use best management practices for sediment and erosion control as outlined in the Florida Stormwater Sedimentation Control Inspector's Manual or a similar quality guidance manual;
3. Be prepared by a Florida licensed professional engineer in accordance with FDEP Document No. 62-621; and

4. Remain on site and be available for review during all phases of construction and, if required, during on-going operations activity.

G. Monitoring

The Director may require high risk runoff facilities to provide annual monitoring reports as a condition of development order or limited development order approval, whichever is applicable, or continued operation. Data collected by the facility to satisfy monitoring requirements for a NPDES or state discharge permit may be used to satisfy this requirement. At a minimum, the monitoring report shall include quantitative data on the following constituents:

1. Any pollutants limited in an existing NPDES permit for the facility;
2. Oil and grease;
3. Chemical oxygen demand (COD);
4. pH;
5. Biochemical oxygen demand, five-day (BOD5);
6. Total suspended solids (TSS);
7. Total phosphorus;
8. Total Kjeldahl nitrogen (TKN);
9. Nitrate plus nitrite nitrogen; and
10. Dry information on discharges required under 40 CFR 122.21(g)(7)(iii) and (iv).

H. Enforcement

1. Responsibility

The Director may coordinate the enforcement of this subsection with the SFWMD, FDEP, and EPA.

2. Procedure.

In addition to any of the methods or procedures set forth in Ordinance 2015-14, the following enforcement actions are available to the Village. The choice of procedure rests with the discretion of the Village, based on the nature of the violation, the number of previous violations, and the magnitude of the violation and its threat to the public health, safety, and welfare.

A. Specific Additional Cause for Stop Work Order.

The Director has the authority to issue a stop work order to ameliorate, minimize, or prevent irreparable harm if discharges from the site do not meet the minimum surface water quality standards set forth in FAC Rule 62-302.

B. Referral to Appropriate State or Federal Agency

The Village may coordinate enforcement of this subsection with the county, SFWMD, FDEP, and EPA, in accordance with applicable Village, county, state and federal regulations. Pursuit of a remedy allowed under Village regulations shall not prevent the state or the EPA or any other federal agency from pursuing additional action against a violator.

7-206. SURFACE WATER MANAGEMENT

A. General Provisions

1. Purpose and Intent

The purpose and intent of this section is to that development be designed in accordance with applicable Village and SFWMD runoff, retention, and attenuation requirements and all other state and local drainage laws and regulations. Development shall be designed to avoid flooding or erosion damage to adjacent property and the Village drainage system and to avoid the creation of stagnant pools that encourage mosquito breeding. Development shall provide a method of continual maintenance, in accordance with this section, and shall ensure proper stormwater management to reduce the potential impacts of flooding.

2. Stormwater System Required

- A. A stormwater management system shall be provided for the adequate control of stormwater runoff that originates within a development or that flows onto or across the development from adjacent lands.
- B. All stormwater management systems shall be designed in accordance with SFWMD requirements, and provide for the attenuation/retention of stormwater from the site.
- C. For new private and public developments within the Village, the allowable discharge shall be based upon the comparison of pre-development hydrology calculations and the previously regionally accepted value of 0.06 or 0.09 cfs/acre, depending on the watershed. At the time of development order submittal, new development projects shall provide pre- and post-development hydrology calculations, and the post development discharge shall be limited to the pre-development levels or the 0.06 cfs/acre, whichever is less.
- D. For purposes of stormwater management calculations, the assumed water table shall be established by the design engineer in accordance with sound engineering practices. Detailed stormwater management calculations shall be provided with all development order and limited development order applications unless specifically waived by the Director.
- E. The Director shall review the proposed stormwater management system on all applications for development orders or limited development orders, whichever is applicable, for compliance with this subsection, and will require substantiation of all calculations and assumptions involved in the design of the stormwater management system.

3. Surface Water Management Policies

- A. All development shall be designed to comply with the policies included in INF-1.1 of the comprehensive plan or the Village's adopted Stormwater Master Plan, whichever is more stringent.
- B. New residential and commercial structures shall be designed so that the elevation of the first floor (habitable for residential structures) is at the applicable Base Flood Elevation (BFE), as defined on the effective FEMA Flood Insurance Rate Map, plus one foot or the 100 year, three day design stage elevation plus one foot, whichever is greater.

4. Crown Elevation of Local Subdivision Streets

Except as provided in 4, below, minimum elevation of the crown of local subdivision streets interior to a project shall be 4.34 feet NAVD 88. In order to accommodate differences in elevation between interior streets and exterior roads, when such exterior roads exist below the minimum elevation, elevation variations along the interior roads necessary to provide a sloped lowering of the interior roads to meet the existing exterior road elevations may be permitted in accordance with applicable generally accepted engineering standards, if approved by the Director.

5. Caution to Plan Adequate Elevation and Drainage Facilities

Many areas of the Village will require street crown elevations far exceeding the minimums identified in this section, and subdivision designers are cautioned to plan both adequate elevation and drainage facilities to prevent any flooding that could endanger health or property.

6. Site Grading

Site grading for all development shall be performed in accordance with the plans approved under the development order or limited development order, whichever is applicable, and shall conform to all performance standards in this LDC.

B. Roadside Swales

- 1. Roadside swales within road rights-of-way shall have side and back slopes no steeper than three to one. Roadside swales within road rights-of-way maintained by the Village shall have side and back slopes no steeper than four to one. The Director may authorize deviations from these standards.
- 2. Roadside swales within road rights-of-way maintained by the Village shall have side and back slopes no steeper than four to one. The Director may authorize deviations from these standards.
- 3. Normal swale sections shall be a minimum of 12 inches deep and a maximum of 36 inches below the outside edge of the street pavement.

4. Runoff may be accumulated and carried in the swales in the right-of-way.
5. Where flow velocities in excess of two feet per second are anticipated, curb and gutter or other erosion control measures shall be provided.

C. Open Channels and Outfall Ditches

With the exception of roadside swales and major drainageways, open drainageways within 100 feet of school sites shall be discouraged and will only be permitted with approval by the Village Council. Drainage plans shall provide that stormwater be collected in properly designed systems of underground pipes, inlets, and other appurtenances, and be conveyed to an ultimate positive outfall. Where permitted, open drainageways shall retain natural characteristics and be designed and protected so that they do not present a hazard to life and safety. Protection against scour and erosion shall be provided, as required by the Director.

D. Inlet Spacing

Drainage inlets for roads with closed drainage systems shall be designed in accordance with FDOT and the Lee County Department of Transportation guidelines. Inlets shall have the capacity to handle the design flow. When an existing swale is enclosed, inlets or manholes shall be provided at a maximum 200-foot spacing for any pipes 24 inches and smaller.

E. Dedication of Drainage System and Maintenance Covenant

1. All necessary drainage easements and structures shall be dedicated to the appropriate entity or association at no expense to the Village. Dedication for drainage ditches shall include a berm (shoulder) width suitable for maintenance operations. The berm shall be cleared of trees, shrubs, and other obstructions and shall have adequate vehicular access. Suitable maintenance areas for the other drainage structures shall be located in drainage easements or rights-of-way. Dedications shall appear in the recorded plat, or by deed.
2. The stormwater management system shall not be dedicated or accepted by the Village. This system shall be maintained through a covenant which runs with the land in the form of, but not limited to, deed restrictions, a homeowners' or condominium association, or such other legal mechanisms as will assure the beneficiaries of the stormwater management system that the drainage will be continually maintained. Regardless of the method chosen to provide for the continual maintenance of the stormwater management system, the beneficiaries shall be provided with a legal right to enforce the assurance that the drainage will be continually maintained. The legal documents which provide for the continual maintenance of the stormwater management system shall be accepted only after they are received and approved by the Village Attorney for compliance with this subsection.

F. Drainage Easements

1. Open Drainage Easements

Where a proposed development is traversed by or abuts a watercourse, drainageway, canal, lake, pond, or stream, or where such a facility is proposed as part of a plan, the developer shall provide a drainage easement or right-of-way that conforms substantially with the limits of the watercourse, drainageway, canal, lake, pond, or stream. Additionally, on one side of the watercourse, drainageway, canal, lake, pond, or stream, the developer shall provide a 20-foot wide easement for maintenance purposes, unless a lesser width is approved by the Director. For canals, lakes or flow-ways greater than 50 feet wide, measured at the top of the bank, the developer shall provide a 20-foot-wide easement or right-of-way on both sides of the canal, lakes, or flow-way for maintenance purposes, unless a lesser width is approved by the Director. This easement or right-of-way shall be kept clear by the property owners and have satisfactory vehicle access. No portion of the required maintenance easement area may be located within the limits of a platted single-family residential lot. Residential docks/facilities may be located within the maintenance easements subject to Section 7-4, Marine Facilities, Structures, and Equipment Standards.

2. Closed Drainage Easements

The width of closed drainage easements shall be based upon sound engineering principles including but not limited to, depth of cut, size of drainage pipe, and proximity of structures. Closed drainage easements shall be a minimum of 15 feet in width for pipes that are 48 inches or less in

diameter. The easement width for multiple pipes or for pipes greater than 48 inches in diameter is 25 feet or more.

G. Excavations

1. Applicability

This subsection provides the permitting and development order or limited development order requirements for all excavations except:

- A. The removal of surplus material generated from the construction of roads, sewer lines, storm sewers, water mains, or other utilities;
- B. Moving materials for purposes of surface water drainage (swales, ditches, or dry retention) or landscaping, provided the excavated materials are not removed from the premises and no blasting is proposed;
- C. The temporary removal of topsoil from a lot for landscaping purposes; or
- D. The removal of excess spoil material resulting from the excavation of a building foundation or swimming pool in conjunction with a valid building permit.

2. Excavation Types and Required Approvals

Excavations are generally constructed either for stormwater retention, or as a development site amenity. A development order is required for these activities.

A. Approval of an Excess Spoil Removal Plan

1. Applicability

The Director may authorize the removal of excavated excess spoil material in all zoning districts, with the exception of the EC district, for agricultural, residential, and commercial projects provided that:

- (a) A development order for the project is approved;
- (b) No blasting is proposed; and
- (c) The excess material to be removed results from the minimum excavation required to:
 - i. Comply with SFWMD permit requirements; or
 - ii. Provide a viable agricultural or recreational amenity that does not exceed eight feet below the dry season water table (DSWT) elevation.

2. Excess Spoil Removal Plan

- (a) A request for approval to remove excavated material to an off-site location shall include an "excess spoil removal plan" submitted with the development order application. The application shall contain sufficient information for the Director to determine whether off-site hauling may be approved administratively or if a public hearing will be required.
- (b) The excess spoil removal plan shall include:
 - i. The approximate location, shape, and dimensions of the area to be excavated relative to all property lines, easements, rights-of-way, and existing and proposed structures;
 - ii. The proposed slopes, maximum and average depth, and controlled water depth of the proposed excavation;
 - iii. The estimated quantity of excavated material that will be hauled off-site;
 - iv. The proposed truck traffic volume in trips per day;
 - v. The duration of the off-site hauling;
 - vi. The destination of the removed excavated material;
 - vii. The proposed haul routes;
 - viii. The proposed method to control dust, mud, and debris along the proposed haul route;

- ix. Identification of the proposed lake maintenance entity together with the submittal of documents creating the entity and establishing its obligations;
 - x. Evidence that the “destination property” has received or is in the process of receiving a development order, indicating where and how the materials will be stored, stockpiled, leveled, contoured, and stabilized; and
 - xi. Any other information deemed reasonably necessary by the Director.
3. *Minimum Requirements for Approval*
- (a) Prior to commencement of off-site hauling:
 - i. Areas within the project proposed for development shall be cleared and filled to within one foot of final design grade; or
 - ii. The amount of fill required to meet that requirement shall be stockpiled and stabilized on-site for future use.
 - (b) If the material will be moved to a contiguous property, the receiving parcel shall also have a development order indicating how the material will be distributed and stabilized.
 - (c) If the material will be moved to property that is not contiguous, the applicant shall show that the path of the hauling route will not adversely affect existing development such as residences, playgrounds, schools, etc.
 - (d) The estimated period of hauling may not exceed one year from issuance of the development order.

4. *Director May Impose Conditions*

The Director may impose any additional conditions of approval as the Director deems necessary to ensure compliance with the requirements of the excess spoil removal plan.

B. *Approval to Dewater*

Where dewatering is proposed as part of a development project (of any size), except as provided in 3 below, the following shall be included in the development order application:

1. *General Submittal Requirements*

- (a) The dewatering method and procedure to be used to complete the excavation.
- (b) The estimated volumes of water to be extracted, impounded, or diverted per hour and per day for the duration of the dewatering.
- (c) A map specifically depicting the location of all dewatering pumps and withdrawal points.
- (d) A plan/map showing the disposition of the dewatered effluent, whether on or off the development site. The map shall depict the size and location of the proposed holding ponds or trenches as well as the calculations used to determine the size of the proposed holding ponds and trenches. A soils report shall be included that documents the ability of the sub-surface soils, in the subject location, to percolate the dewatered effluent. If an off-site location is proposed, the application shall include permission from each property owner whose property will be traversed or used to accomplish the dewatering as proposed. This permission/consent shall be in writing, signed by the property owner, and acknowledged before a notary. Consents signed by an agent of the property owner will not satisfy this requirement.
- (e) A copy of the SFWMD water use permit (WUP) application, staff report/recommendation, and WUP permit approval.

2. *Additional Submittal Requirements for Dewatering Sensitive Areas*

If dewatering is proposed to facilitate development of a site known or believed to be subject to dewatering sensitive conditions (examples include but are not limited to: wetlands, existing wells, groundwater contamination, and karst-induced subsidence), or located in the vicinity of an area subject to dewatering sensitive conditions, then the following additional information may be required by the Director.

- (a) Engineering estimates of the monthly water balance for the projected highest, lowest, and average rainfall sequence for the operational life of the excavation. This estimate shall account for all sources of water input to the water recirculation facilities and processing steps, and all water outputs and losses from the system. The submittal shall also include a detailed explanation of the computation methods and assumptions used to derive the estimate.
- (b) If the excavation will extend below the normal wet season groundwater elevation, engineering estimates demonstrating that the proposed dewatering will not adversely impact adjacent wetlands and the groundwater resource aquifer supply shall be submitted.
- (c) A proposed groundwater level monitoring plan that specifies the location of all wells comprising the monitoring well network. The proposed water level monitoring plan and process shall be sufficient to document changes that are a result of the proposed dewatering with respect to groundwater levels and groundwater flow directions on and/or off the subject project site.

3. *Underground Utility Installation Exemption*

Dewatering for underground utility installations are exempt from the requirements of this section.

3. *Standards*

All new excavations for water retention and detention are subject to the following standards:

A. *Setbacks for Water Retention or Detention Activities*

1. No excavations will be allowed:

- (a) Within 25 feet of an existing or proposed street right-of-way line or easement for a local road unless an administrative deviation is approved in accordance with Sec. 2-506.C.2, Administrative Deviation.
- (b) Within 50 feet of any existing or proposed right-of-way line or easement for a collector or arterial road unless an administrative deviation is approved in accordance with Sec. 2-506.C.2, Administrative Deviation. The setback may be reduced to a minimum of 25 feet if the developer provides for the protection of wayward vehicles through the use of guardrails, berms, swales, vegetation or other suitable methods as determined by the Director.
- (c) Within 50 feet of any private property line under separate ownership unless an administrative deviation is approved in accordance with Sec. 2-506.C.2, Administrative Deviation. The setback for an excavation from a private property line shall be a minimum of 25 feet. This setback does not apply to lots developed concurrently with the excavation for water retention when part of a development order.

2. In all cases, the most restrictive setback shall apply.

3. Excavation setbacks are measured from the mean high water (MHW) or the waterbody control elevation line.

B. *Setbacks for Buildings, Accessory Buildings, Equipment, and Other Structures*

The required development order shall include setbacks for all accessory buildings or structures and comply with the setback requirements of the applicable zoning district.

C. *Maximum Controlled Water Depth*

Excavations for water retention or detention permitted under this subsection shall not penetrate through impervious soil or rock layer that prohibits intermingling of various watery strata. Controlled water depth for water retention or detention excavations exceeding 12 feet shall comply with the following standards:

1. Excavation depth may exceed 12 feet, to a maximum of 20 feet, if the water depth does not penetrate any impervious soil or rock layer. For all lakes deeper than 12 feet, a "Deep Lake Management Plan" shall be submitted and approved prior to approval of a development order. The Deep Lake Management Plan shall address long-term

management strategies for lakes greater than 12 feet in depth that include, at a minimum, the following:

- (a) Installation of a destratification system in any lake that exceeds 12 feet in depth. Documentation that the proposed destratification system is adequately sized and designed shall be submitted prior to approval and shall be installed prior to issuance of a certificate of compliance for the development order.
 - (b) The planting of native shade trees, meeting the specifications of Appendix F: Recommended Plant Lists, around the lake perimeter, calculated at one tree per 100 feet of lake shoreline measured at control elevation. The tree planting is in addition to other required trees and shall be coordinated with lake littoral plant requirements. The planting locations proposed to meet the wetland herbaceous plant requirements set forth in Sec. 5-408.1.5, Planted Littoral Shelf (PLS), and other additional trees, shall be graphically identified as part of the deep lake management plan. All required plantings shall be grouped or clustered together around the lake perimeter.
 - (c) The recordation by the property owner of covenants, in a form acceptable to the Village Attorney, providing that the lake management techniques, including operation of the destratification system specified in the deep lake management plan will be maintained for the life of the lake.
2. Submittal of a post-construction bathymetric survey, sealed by a professional surveyor and mapper, prior to certificate of compliance, for all lakes regardless of their depth. Spot elevations shall be provided to create a contour map on four-foot intervals depicting the entire lake profile including bank slopes.
 3. If the excavation exceeds the maximum controlled water depth of 20 feet, the developer will be liable for a fine of \$2.00 per cubic yard (in-situ measure) for each cubic yard of material excavated beyond the maximum controlled water depth. This penalty may not exceed those in Ch. 162, Fla. Stat.

D. Bank Slopes

Excavation bank slopes for new projects shall comply with the following standards. The design of shorelines for retention and detention areas shall be sinuous rather than straight (See Sec. 5-408.1.5, Planted Littoral Shelf (PLS)). The banks of excavations permitted under this subsection shall be sloped at a ratio not greater than six horizontal to one vertical from the top of bank to a water depth of two feet below the dry season water table. The slopes shall not be greater than two horizontal to one vertical thereafter, except where geologic conditions would permit a stable slope at steeper than a two to one ratio. Excavation bank slopes shall comply with the shoreline configuration, slope requirements, and planting requirements for mimicking natural systems specified in this subsection. Placement of backfill to create lake bank slopes is prohibited unless, prior to the issuance of a certificate of compliance, the applicant provides signed and sealed test reports from a geotechnical engineer certifying that the embankment was placed and compacted to its full thickness to obtain a minimum of 95 percent of the maximum dry density (modified Proctor) for embankments that will support structures, and 90 percent of maximum dry density (modified Proctor) for other embankments in accordance with ASTM D1557.

E. Lake Maintenance Plan

A lake maintenance plan shall be submitted for the long-term maintenance of the lake and lake shoreline areas. The plan shall be included as part of the application for development order and, once approved, shall be recorded in the public records as part of the property owners' association documents. The lake maintenance plan shall include the following elements:

1. Identification of the entity responsibility for the maintenance of the lake area including the lake shoreline.
2. Identification of the methods to remove and control exotic and nuisance plants, in perpetuity.
3. Requirements that ensure littoral vegetation remains in a healthy and vigorous state, in perpetuity. (The use of trimming, mowing, and herbicides to remove littoral plants is prohibited.)

4. Demonstration as to how surface water runoff quantities and flow velocities will be controlled to prevent bank erosion, including but not limited to routing roof drains away from lake shorelines.
5. Requirements that educational materials be provided to residents describing the purpose and function of the bank slope and littoral areas. The materials shall also explain the individual property owner's responsibilities with respect to compliance with bank slope and littoral area management plans. Educational materials may take the form of signs and brochures.

F. Fencing

The Director may require that a four-foot fence be placed around excavations for water retention when located less than 100 feet from any property under separate ownership.

G. Excavation or Fill Material

All large projects where off-site removal is proposed shall provide soil displacement – cut/fill – calculations and plans certified by a registered engineer that provides the following information:

1. The volume of material proposed to be excavated for water retention/detention purposes, with plans showing the areas and cross sections associated with the excavation(s);
2. The volume of the excavated material to be used on-site, with plans showing the areas and cross sections associated with the on-site materials;
3. The volume of material (if any) to be removed from or imported to the premises; and
4. If the applicant proposes to remove from or import material to the premises, a map indicating the proposed access route to the nearest collector or arterial road.

H. Larger Measures Prohibited

If the Director determines the water retention and detention measures do not qualify for administrative approval, the retention or detention is prohibited.

4. Violations

- A. Where removal of excess spoil activities are commenced prior to approval of a development order required by this subsection, a stop work order shall be issued and all excavation and excess spoil removal activities shall cease until an application to conduct the activities is submitted and approved in accordance with this LDC.
- B. An application to remove excess spoil after removal activities have commenced in violation of this subsection will be charged an application fee equal to four times the established fee for the type approval or permit required.
- C. Submittal of the application and payment of the application fee does not protect the applicant from additional enforcement remedies described in this LDC. Any of these forms of relief may be sought or maintained by the Village until the violation is abated.
- D. SFWMD shall receive a copy of any notice of violation issued by the Village with respect to dewatering activity.

H. Outfall into Village Right-Of-Way (ROW)

Approval for discharge into a Village, county, state, or federally maintained road right-of-way, watercourse, drainage way canal, lake, pond, or stream shall be part of a development order or limited development order. In addition to the application materials typically required, the application shall also include the following:

1. Demonstration of all the existing and historic drainage from the site;
2. The existing and proposed quantity of stormwater runoff; and
3. A site evaluation that includes information about existing road drainage sufficient to determine if there are any impacts to existing Village drainage facilities all the way to the outfall.

SECTION 7-3. FLOOD HAZARD REDUCTION STANDARDS

7-301. ADMINISTRATION

A. General

1. Scope

This section applies to all development that is wholly within or partially within any flood hazard area or special flood hazard area (see Sec. 7-303, Definitions), including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

2. Purpose and Intent

The purpose and intent of this section and the flood load and flood resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety, and general welfare, and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

- A. Minimize unnecessary disruption of commerce, access, and public service during times of flooding;
- B. Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
- C. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
- D. Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
- E. Minimize damage to public and private facilities and utilities;
- F. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
- G. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
- H. Meet the requirements of the National Flood Insurance Program for community participation as set forth in 44 CFR 59.22.

3. Coordination with Florida Building Code

This section is intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code.

4. Warning

The degree of flood protection required by this section and the Florida Building Code, as amended by the Village of Estero, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This section does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of 44 CFR Secs. 59 and 60, may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this section.

5. *Disclaimer of Liability*

This section will not create liability on the part of the Village of Estero or by any officer or employee of the Village for any flood damage that results from reliance on this section or any administrative decision lawfully made under it.

B. *Applicability*

1. *General*

- A. Where there is a conflict between a general requirement and a specific requirement, the specific requirement will be applicable.
- B. This section applies to all flood hazard areas within the Village of Estero, as established in subsection C below.
- C. The Flood Insurance Study for Lee County, Florida and Incorporated Areas, effective August 28, 2008, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this section and will serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the Village Hall.

2. *Submission of Additional Data to Establish Flood Hazard Area*

To establish flood hazard areas and base flood elevations, in accordance with Sec. 7-301.E, Site Plans and Construction Documents, the Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

- A. Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area will be considered as a flood hazard area and subject to the requirements of this section and, as applicable, the requirements of the Florida Building Code.
- B. Are above the closest applicable base flood elevation, the area will be regulated as a special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.

3. *Other Laws*

The provisions of this section will not be deemed to nullify any provisions of local, state, or federal law.

4. *Abrogation and Greater Restrictions*

This section supersedes any regulations in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing regulations including but not limited to land development regulations, zoning resolutions, stormwater management regulations, or the Florida Building Code. In the event of a conflict between this section and any other regulations, the more restrictive will govern. This section will not impair any deed restriction, covenant, or easement, but any land that is subject to such interests will also be governed by this section.

C. *Duties and Powers of the Floodplain Administrator*

1. *Designation*

The Village Manager is designated as the Floodplain Administrator and may delegate another person to serve in this capacity. The Floodplain Administrator may delegate performance of certain duties to other employees.

2. *General*

The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this section. The Floodplain Administrator will have the authority to render interpretations of this section consistent with the intent and purpose of this section and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures will not have the effect of waiving requirements specifically provided in this section without the granting of a variance pursuant to Sec. 7-301.G, Variances and Appeals.

3. *Applications and Permits*

The Floodplain Administrator, in coordination with other pertinent offices of the community, will:

- A. Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
- B. Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this section;
- C. Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination will have the opportunity to appeal the interpretation;
- D. Provide available flood elevation and flood hazard information;
- E. Determine whether additional flood hazard data will be obtained from other sources or will be developed by an applicant;
- F. Review applications to determine whether proposed development will be reasonably safe from flooding;
- G. Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, when compliance with this section is demonstrated, or disapprove the same in the event of noncompliance; and
- H. Coordinate to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this section.

4. *Substantial Improvement and Substantial Damage Determinations*

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures such that the value or size of the buildings increases by at least 50 percent, calculated over the preceding five years, the Floodplain Administrator shall:

- A. Estimate the market value using the Building Cost Value in the property appraiser's records unless a qualified independent appraisal of just the structure is submitted, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure will be the market value before the damage occurred and before any repairs are made;
- B. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
- C. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; the determination requires evaluation of previous permits issued for improvements and repairs as specified in the definition of "substantial improvement" and previous permits issued for repair of flood-related damage; and
- D. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the Florida Building Code and this section is required.

5. *Modifications of the Strict Application of the Requirements of the Florida Building Code*

The Floodplain Administrator will review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance in accordance with Sec. 7-301.G, Variances and Appeals.

6. *Notices and Orders*

The Floodplain Administrator will coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this section.

7. Inspections

The Floodplain Administrator will make the required inspections as specified in Sec. 7-301.F, Inspections, for development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. The Floodplain Administrator will inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

8. Other Duties of the Floodplain Administrator

The Floodplain Administrator will have other duties, including but not limited to:

- A. Establishing procedures for administering and documenting determinations of substantial improvement and substantial damage in accordance with Sec. 7-301.C.4, Substantial Improvement and Substantial Damage Determinations;
- B. Requiring that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
- C. Requiring applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions will be made within six months of such data becoming available;
- D. Reviewing required design certifications and documentation of elevations specified by this section and the Florida Building Code to determine that such certifications and documentations are complete;
- E. Notifying FEMA when the corporate boundaries of the Village are modified; and
- F. Advising applicants for new buildings and structures, including substantial improvements, which are located in any unit of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such construction; areas subject to this limitation are identified on Flood Insurance Rate Maps as “Coastal Barrier Resource System Areas” and “Otherwise Protected Areas.”

9. Floodplain Management Records

Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator will maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this section and the flood resistant construction requirements of the Florida Building Code, including Flood Insurance Rate Maps; Letters of Map Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this section; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken in accordance with this section and the flood resistant construction requirements of the Florida Building Code. These records are available for public inspection at the Village Hall.

D. Permits

1. Permits Required

Any owner or owner’s authorized agent also referred to as “applicant” who intends to undertake any development activity within the scope of this section, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the Floodplain Administrator and obtain the required permits and approvals. No such permit or approval will be issued until compliance with the requirements of this section and all other applicable codes and regulations has been satisfied.

2. *Floodplain Development Permits or Approvals*

Floodplain development permits or approvals will be issued in accordance with this section for any development activities not subject to the requirements of the Florida Building Code including buildings, structures, and facilities exempt from the Florida Building Code. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

3. *Buildings, Structures, and Facilities Exempt from the Florida Building Code*

In accordance with the requirements of federal regulation for participation in the National Flood Insurance Program (44 CFR Secs. 59 and 60), floodplain development permits or approvals will be required for buildings, structures and facilities that are exempt from the Florida Building Code and any further exemptions provided by law, which are subject to the requirements of this section.

4. *Application for a Permit or Approval*

To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the Village. The information provided shall:

- A. Identify and describe the development to be covered by the permit or approval.
- B. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
- C. Indicate the use and occupancy for which the proposed development is intended.
- D. Be accompanied by a site plan or construction documents as specified in Sec. 7-301.E, Site Plans and Construction Documents.
- E. State the valuation of the proposed work.
- F. Be signed by the applicant or the applicant's authorized agent.
- G. Give such other data and information as required by the Floodplain Administrator.

5. *Validity of Permit or Approval*

The issuance of a floodplain development permit or approval in accordance with this section shall not be construed to be a permit for, or approval of, any violation of this section, the Florida Building Codes, or any other Village regulations. The issuance of permits based on submitted applications, construction documents, and information will not prevent the Floodplain Administrator from requiring the correction of errors and omissions.

6. *Suspension or Revocation*

The Floodplain Administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error; on the basis of incorrect, inaccurate, or incomplete information; or in violation of this section or any other section, regulation, or requirement of the Village.

7. *Other Permits Required*

Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:

- A. SFWMD; Sec. 373.036, Fla. Stat.
- B. Florida Department of Health for onsite sewage treatment and disposal systems; Sec. 381.0065, Fla. Stat. and Ch. 64E-6, F.A.C.
- C. FDEP for activities subject to the Joint Coastal Permit; Sec. 161.055, Fla. Stat.
- D. FDEP for activities that affect wetlands and alter surface water flows. in conjunction with the U.S. Army Corps of Engineers; Sec. 404 of the Clean Water Act.
- E. Federal permits and approvals.

E. Site Plans and Construction Documents

1. Information for Development in Flood Hazard Areas

- A. The site plan or construction documents for any development subject to the requirements of this section shall be drawn to scale and include, as applicable to the proposed development:
 1. Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
 2. Where base flood elevations, or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Sec. 7-301.E.2.B or Sec. 7-301.E.2.C.
 3. Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than five acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Sec. 7-301.E.2.A.
 4. Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas, new buildings shall be located landward of the reach of mean high tide.
 5. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
 6. If the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
 7. Extent of any proposed alteration of mangrove stands, provided such alteration is approved by FDEP.
 8. Existing and proposed alignment of any proposed alteration of a watercourse
 9. Estimated labor and material costs.
- B. The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this section but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this section.

2. Information in Flood Hazard Areas without Base Flood Elevations (Approximate Zone A)

Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the Floodplain Administrator shall:

- A. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.
- B. Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.
- C. Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
 1. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or
 2. Specify that the base flood elevation is two feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two feet.
- D. Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

3. *Additional Analyses and Certifications*

As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:

- A. For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Sec. 7-301.E.4, Submission of Additional Data, and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
- B. For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
- C. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in Sec. 7-301.E.4, Submission of Additional Data.
- D. For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (Zone V), an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage.

4. *Submission of Additional Data*

When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees will be the responsibility of the applicant.

F. *Inspections*

1. *General*

Development for which a floodplain development permit or approval is required will be subject to inspection.

2. *Development Other than Buildings or Structures*

The Floodplain Administrator will inspect all development to determine compliance with the requirements of this section and the conditions of approval of a floodplain development permit.

3. *Buildings, Structures, and Facilities Exempt from the Florida Building Code*

The Floodplain Administrator will inspect buildings, structures, and facilities exempt from the Florida Building Code to determine compliance with the requirements of this section and the conditions of approval of a floodplain development permit.

4. *Building Structures and Facilities Exempt from the Florida Building Code, Lowest Floor Inspection*

Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure, or facility exempt from the Florida Building Code, or the owner's authorized agent, shall submit to the Floodplain Administrator:

- A. If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or
- B. If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Sec. 7-301.E.2, Information in Flood Hazard Areas without Base Flood Elevations (Approximate Zone A), the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

5. *Buildings, Structures, and Facilities Exempt from the Florida Building Code, Final Inspection*

As part of the final inspection, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in Sec. 7-301.F.4, Building Structures and Facilities Exempt from the Florida Building Code, Lowest Floor Inspection.

6. *Manufactured Homes*

The Building Official shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this section and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the Building Official.

G. Variances and Appeals

1. *General*

The PZDB shall hear and decide on requests for appeals and requests for variances from the strict application of this section. This section does not apply to Sec. 3109 of the Florida Building Code, Building.

2. *Appeals*

The PZDB shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the administration and enforcement of this section. Any person aggrieved by the decision may appeal such decision to the Circuit Court, as provided by state law.

3. *Limitations on Authority to Grant Variances*

The PZDB will base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in Sec. 7-301.G.7, Considerations for Issuance of Variances, the conditions of issuance set forth in Sec. 7-301.G.8, Conditions for Issuance of Variances, and the comments and recommendations of the Building Official. The PZDB has the right to attach such conditions as it deems necessary to further the purposes and objectives of this section.

4. *Restrictions in Floodways*

A variance will not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in Sec. 7-301.E.3, Additional Analyses and Certifications.

5. *Historic Buildings*

A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, Existing Building, Chapter 11 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance will not be granted and the building and any repair, improvement, and rehabilitation will be subject to the requirements of the Florida Building Code.

6. *Functionally Dependent Uses*

A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this section, provided the variance

meets the requirements of Sec. 7-301.G.4, Restrictions in Floodways is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

7. Considerations for Issuance of Variances

In reviewing requests for variances, the PZDB will consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this section, and the following:

- A. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
- B. The danger to life and property due to flooding or erosion damage;
- C. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
- D. The importance of the services provided by the proposed development to the community;
- E. The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
- F. The compatibility of the proposed development with existing and anticipated development;
- G. The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
- H. The safety of access to the property in times of flooding for ordinary and emergency vehicles;
- I. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable expected at the site; and
- J. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

8. Conditions for Issuance of Variances

Variances may be issued only upon:

- A. Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this section or the required elevation standards;
- B. Determination by the PZDB that:
 - 1. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
 - 2. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and regulations; and
 - 3. The variance is the minimum necessary, considering the flood hazard, to afford relief;
- C. If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25 for \$100 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

H. Violations

Any development that is not within the scope of the Florida Building Code but that is regulated by this section that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this section, will be deemed a violation of this LDC. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this section or the Florida Building Code is presumed to be a violation until such time as that documentation is provided.

1. Authority

For development that is not within the scope of the Florida Building Code but that is regulated by this section and that is determined to be a violation, the Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.

2. Unlawful Continuance

Any person who continues any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, will be subject to penalties as prescribed by law.

7-302. FLOOD RESISTANT DEVELOPMENT

A. Buildings and Structures Exempt from Florida Building Code

In accordance with Sec. 7-301.D.3, Buildings, Structures, and Facilities Exempt from the Florida Building Code, buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of Sec. 7-302.G, Other Development.

B. Subdivisions

1. Minimum Requirements

Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

- A. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
- B. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
- C. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

2. Standards for Subdivision and Other Development Proposals

Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

- A. Where the subdivision is greater than 50 lots or five acres and base flood elevations are not included on the FIRM, base flood elevations determined in accordance with Sec. 7-301.E.2.A; and
- B. Compliance with the site improvement and utilities requirements of Sec. 7-302.C, Site Improvements, Utilities and Limitations.

C. Site Improvements, Utilities and Limitations

1. Minimum Requirements

All proposed new development will be reviewed to determine that:

- A. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
- B. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
- C. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

2. Sanitary Sewage Facilities

All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in

accordance with the standards for onsite sewage treatment and disposal systems in Ch. 64E-6, F.A.C. and ASCE 24 Ch. 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.

3. *Water Supply Facilities*

All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Ch. 62-532.500, F.A.C. and ASCE 24 Ch. 7 to minimize or eliminate infiltration of floodwaters into the systems.

4. *Limitations on Sites in Regulatory Floodways*

No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, may be authorized in the regulatory floodway unless the floodway encroachment analysis required in Sec. 7-301.E.3.A, demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

5. *Limitations on Placement of Fill*

Subject to the limitations of this section, fill shall be designed to be stable under conditions of flooding, including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the Florida Building Code.

6. *Limitations on Sites in Coastal High Hazard Areas (Zone V)*

In coastal high hazard areas, alteration of sand dunes and mangrove stands will be permitted only if such alteration is approved by the FDEP and only if the engineering analysis required by Sec. 7-301.E.3.D demonstrates that the proposed alteration will not increase the potential for flood damage.

D. *Manufactured Homes*

1. *General*

- A. All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed in accordance with Sec. 320.8249, Fla. Stat., and shall comply with the requirements of Ch. 15C-1, F.A.C. and the requirements of this section.
- B. The placement of manufactured homes or recreational vehicles is prohibited in coastal high hazard areas (Zone V), except in an existing manufactured home or recreational vehicle park or subdivision. A replacement manufactured home or recreational vehicle may be placed on a lot in an existing manufactured home or recreational vehicle park or subdivision, provided the anchoring standards of Sec. 7-302.D.3, Anchoring, and the elevation standards of Sec. 7-302.D.5, General Elevation Requirement, and Sec. 7-302.D.6, Elevation Requirement for Certain Existing Manufactured Home Parks and Subdivisions, as applicable, are met. New or expanded manufactured home or recreational vehicle parks or subdivisions are prohibited until such time, if ever, that Village of Estero Plan Policy 80.1.2 is amended or repealed so as to allow such new or expanded manufactured home or recreational vehicle development.

2. *Foundations*

All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:

- A. In flood hazard areas (Zone A) other than coastal high hazard areas, are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.2 and this section. Foundations for manufactured homes subject to Sec. 7-302.D.6.B are permitted to be reinforced piers or other foundation elements of at least equivalent strength.
- B. In coastal high hazard areas (Zone V), are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.3 and this section.

3. *Anchoring*

All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement.

Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

4. *Elevation*

Manufactured homes that are placed, replaced, or substantially improved shall comply with Sec. 7-302.D.5, General Elevation Requirement, and Sec. 7-302.D.6, Elevation Requirement for Certain Existing Manufactured Home Parks and Subdivisions, as applicable.

5. *General Elevation Requirement*

Unless subject to the requirements of Sec. 7-302.D.6, Elevation Requirement for Certain Existing Manufactured Home Parks and Subdivisions, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred “substantial damage” as the result of a flood, shall be elevated such that the top or the lowest floor is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V).

6. *Elevation Requirement for Certain Existing Manufactured Home Parks and Subdivisions*

Manufactured homes that are not subject to Sec. 7-302.D.5, General Elevation Requirement, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:

- A. Top or the lowest floor of the manufactured home is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V); or
- B. Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.

7. *Enclosures*

Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential Sections R322.2 or R322.3, for such enclosed areas, as applicable to the flood hazard area.

8. *Utility Equipment*

Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the Florida Building Code, Residential Section R322, as applicable to the flood hazard area.

E. *Recreational Vehicles and Park Trailers*

1. *Temporary Placement*

Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

- A. Be on the site for fewer than 180 consecutive days; or
- B. Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks, and porches.

2. *Permanent Placement*

Recreational vehicles and park trailers that do not meet the limitations in Sec. 7-302.E.1, Temporary Placement, shall meet the requirements of Sec. 7-302.D, Manufactured Homes.

F. Tanks

1. *Underground Tanks*

Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

2. *Above-Ground Tanks, Not Elevated*

Above-ground tanks that do not meet the elevation requirements of Sec. 7-302.F.3, Above Ground Tanks, Elevated, shall:

- A. Be permitted only in flood hazard areas (Zone A) other than coastal high hazard areas, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.
- B. Not be permitted in coastal high hazard areas (Zone V).

3. *Above Ground Tanks, Elevated*

Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse, or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

4. *Tank Inlets and Vents*

Tank inlets, fill openings, outlets, and vents shall be:

- A. At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
- B. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

G. Other Development

1. *General Requirements for Other Developments*

All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this section or the Florida Building Code, shall:

- A. Be located and constructed to minimize flood damage;
- B. Meet the limitations of Sec. 7-302.C.4, Limitations on Sites in Regulatory Floodways, if located in a regulated floodway;
- C. Be anchored to prevent flotation, collapse, or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
- D. Be constructed of flood damage-resistant materials; and
- E. Have mechanical, plumbing, and electrical systems above the design flood elevation, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of the Building Code for wet locations.

2. *Accessory Structures*

Accessory structures are not required to meet the elevation requirements if they meet all of the following requirements, in addition to those set forth in Sec. 7-302.C.4, Limitations on Sites in Regulatory Floodways:

- A. The structure is securely anchored to resist flotation, collapse, and lateral movement;
- B. The building is a minimal investment and the total size of the building does not exceed 1,000 square feet in floor area;
- C. The structure is used exclusively for uninhabitable parking or storage purposes;
- D. All electrical or heating equipment is elevated above the base flood elevation or otherwise protected from intrusion of floodwaters; and

- E. For accessory structures located in coastal high-hazard areas (V zones), breakaway walls are used below the lowest floor.
- 3. *Fences in Regulated Floodways*

Fences in regulated floodways that have the potential to block the passage of floodwaters shall meet the limitations of Sec. 7-302.C.4, Limitations on Sites in Regulatory Floodways.
- 4. *Retaining Walls, Sidewalks and Driveways in Regulated Floodways*

Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Sec. 7-302.C.4, Limitations on Sites in Regulatory Floodways.
- 5. *Roads and Watercourse Crossings in Regulated Floodways*

Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings, and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways, shall meet the limitations of Sec. 7-302.C.4, Limitations on Sites in Regulatory Floodways. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Sec. 7-301.E.3, Additional Analyses and Certifications.
- 6. *Concrete Slabs Used as Parking Pads, Enclosure Floors, Landings, Decks, Walkways, Patios, and Similar Nonstructural Uses in Coastal High Hazard Areas (Zone V)*

In coastal high hazard areas, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios, and similar nonstructural uses are permitted beneath or adjacent to buildings and structures, provided the concrete slabs are designed and constructed to be:

 - A. Structurally independent of the foundation system of the building or structure;
 - B. Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and
 - C. Have a maximum slab thickness of not more than four inches.
- 7. *Decks and Patios in Coastal High Hazard Areas (Zone V)*

In addition to the requirements of the Florida Building Code, in coastal high hazard areas, decks and patios shall be located, designed, and constructed in compliance with the following:

 - A. A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.
 - B. A deck or patio that is located below the design flood elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure, or to adjacent buildings and structures.
 - C. A deck or patio that has a vertical thickness of more than 12 inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to the building or structure or to adjacent buildings and structures.
 - D. A deck or patio that has a vertical thickness of 12 inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave runup and wave reflection.
- 8. *Other Development in Coastal High Hazard Areas (Zone V)*

In coastal high hazard areas, development activities other than buildings and structures may be permitted only if it is also authorized by the appropriate federal, state, or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of

floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:

- A. Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;
- B. Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and
- C. On-site sewage treatment and disposal systems defined in Rule 64E-6.002, F.A.C., as filled systems or mound systems.

9. Nonstructural Fill in Coastal High Hazard Areas (Zone V)

In coastal high hazard areas:

- A. Minor grading and the placement of minor quantities of nonstructural fill may be permitted for landscaping and for drainage purposes under and around buildings.
- B. Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal may be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures.

10. Critical Facilities

Critical facilities shall be located outside the limits of the special flood hazard area where feasible. Construction of new critical facilities shall be permissible within the special flood hazard area if no feasible alternative site is available. If permitted, critical facilities shall be elevated or protected to or above the base flood elevation, plus two feet, or the 500-year (0.2 percent chance) flood elevation, whichever is higher. Flood proofing and sealing measures shall be implemented to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the base flood elevation shall be provided to all critical facilities, to the maximum extent practicable. Critical facilities shall be designed to remain operable during such an event.

11. Standards for Areas in the B, C, and X Zones

All new buildings not located in the areas of special flood hazard established in Sec. 7-301.B.1.C, shall have the lowest floor elevation (including basement) constructed at least 12 inches above the crown of the nearest local street, unless the Building Official determines there are extenuating circumstances that would preclude meeting that elevation.

7-303. DEFINITIONS

A. General

1. Terms Defined in the Florida Building Code

Where terms are not defined in this section and are defined in the Florida Building Code, such terms will have the meanings ascribed to them in that code.

2. Terms Not Defined

Where terms are not defined in this section or the Florida Building Code, such terms will have ordinarily accepted meanings such as the context implies.

B. Definitions

Unless otherwise expressly stated, the following words and terms, for the purposes of this section only, have the meanings shown in this subsection.

Alteration of a Watercourse

A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Appeal

A request for a review of the Floodplain Administrator's interpretation of any provision of this section.

ASCE 24

A standard titled Flood Resistant Design and Construction that is referenced by the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

Base Flood

A flood having a one percent chance of being equaled or exceeded in any given year. [Also defined in Florida Building Code, B, Section 1612.2.] The base flood is commonly referred to as the “100-year flood” or the “one-percent-annual chance flood.”

Base Flood Elevation

The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM).

Basement

The portion of a building having its floor subgrade (below ground level) on all sides.

Coastal High Hazard Area

A special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as “high hazard areas subject to high velocity wave action” or “V Zones” and are designated on Flood Insurance Rate Maps (FIRM) as Zone VI-V30, VE, or V.

Conditional Letter of Map Revision (CLOMR)

A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective FIRM or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

Critical Facility

One or more of the following:

- (1) Structures or facilities that commercially produce, use, or store highly volatile, flammable, explosive, toxic and/or water-reactive materials that are defined as extremely hazardous substances by the EPA under Sec. 302 of the Emergency Planning and Community Right-to-Know Act, Title III of the Superfund Amendments and Reauthorization Act of 1986, 42 USC;
- (2) Nursing homes, hospitals, and social service homes;
- (3) Structures used as law enforcement stations, fire stations, governmental vehicle and equipment storage facilities, and emergency operations centers that are needed for emergency response activities before, during, and after a flood incident; and
- (4) Public or private utility facilities that are vital to maintaining and restoring normal services to flooded areas before, during, and after a flood incident.

Design Flood

The flood associated with the greater of the following two areas:

- (1) Area with a floodplain subject to a one percent or greater chance of flooding in any year; or
- (2) Area designated as a flood hazard area on the FIRM or otherwise legally designated.

Design Flood Elevation

The elevation of the “design flood,” including wave height, relative to the datum specified on the FIRM. In areas designated as Zone AO, the design flood elevation will be the elevation of the highest existing grade of the building’s perimeter plus the depth number (in feet) specified on the FIRM. In areas designated as Zone AO where the depth number is not specified on the map, the depth number will be taken as being equal to two feet.

Development

Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations, or any other land disturbing activities.

Encroachment

The placement of fill, excavation, buildings, permanent structures, or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

Existing Building and Existing Structure

Any buildings and structures for which the “start of construction” commenced before September 19, 1984.

Existing Manufactured Home Park or Subdivision

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before September 19, 1984.

Expansion to an Existing Manufactured Home Park or Subdivision

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Federal Emergency Management Agency (FEMA)

The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

Flood or Flooding

A general and temporary condition of partial or complete inundation of normally dry land from:

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Damage-Resistant Materials

Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair.

Flood Hazard Area

The greater of the following two areas:

- (1) The area within a floodplain subject to a one percent or greater chance of flooding in any year.
- (2) The area designated as a flood hazard area on the FIRM or otherwise legally designated.

Flood Insurance Rate Map (FIRM)

The official map of the Village on which FEMA has delineated both special flood hazard areas and the risk premium zones applicable to the Village.

Flood Insurance Study (FIS)

The official report provided by FEMA that contains the FIRM, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data.

Floodplain Administrator

The office or position designated and charged with the administration and enforcement of this section (may be referred to as the Floodplain Manager). The Village Manager serves as the Floodplain Manager in accordance with this section.

Floodplain Development Permit or Approval

An official document or certificate issued by the Floodplain Administrator, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this section.

Floodway

The channel of a river or other riverine watercourse and the adjacent land areas that shall be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floodway Encroachment Analysis

An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations. The evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

Florida Building Code

The family of codes adopted by the Florida Building Commission, including the Florida Building Code, Building; the Florida Building Code, Residential; the Florida Building Code, Existing Building; the Florida Building Code, Mechanical; the Florida Building Code, Plumbing; the Florida Building Code, Fuel Gas.

Functionally Dependent Use

A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

Highest Adjacent Grade

The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Historic Structure

Any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 11: Historic Buildings

Letter of Map Amendment (LOMA)

An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective FIRM and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

Letter of Map Change (LOMC)

An official determination issued by FEMA that amends or revises the FIRM or FIS. The LOMCs include:

Letter of Map Revision (LOMR)

A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

Letter of Map Revision Based on Fill (LOMR-F)

A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill shall have been permitted and placed in accordance with this section.

Light-Duty Truck

As defined in 40 CFR 86.082-2, any motor vehicle rated at 8,500 pounds gross vehicular weight rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

- (1) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle;
- (2) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
- (3) Available with special features enabling off-street or off-highway operation and use.

Lowest Floor

The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built to render the structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24.

Manufactured Home

A structure, transportable in one or more sections, which is eight feet or more in width and greater than 400 square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle” or “park trailer.”

Manufactured Home Park or Subdivision

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market Value

The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this section, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, actual cash value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser.

New Construction

For the purposes of this section and the flood resistant construction requirements of the Florida Building Code, structures for which the “start of construction” commenced on or after September 19, 1984, and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after September 19, 1984.

Park Trailer

A transportable unit which has a body width not exceeding 14 feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances.

Permanent Construction

Does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual “start of construction” means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Recreational Vehicle

A vehicle, including a park trailer, which is:

- (1) Built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projection;

- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Repetitive Loss

Flood-related damage sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Special Flood Hazard Area

An area in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, AI-A30, AE, A99, AH, VI-V30, VE or V. Start of construction. The date of issuance of permits for new construction and substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns.

Substantial Damage

Damage sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. The term also includes buildings and structures that have experienced repetitive loss.

Substantial Improvement

Any combination of repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, taking place during a five-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. For each building or structure, the five-year period begins on the date of the first improvement or repair of the building or structure subsequent to November 18, 1992. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not include either:

- (1) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the Building Official and that are the minimum necessary to assure safe living conditions.
- (2) Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

Variance

A grant of relief from the requirements of this section, or the flood resistant construction requirements of the Florida Building Code, which permits construction in a manner that would not otherwise be permitted by this section or the Florida Building Code.

Watercourse

A river, creek, stream, channel, or other topographic feature in, on, through, or over which water flows at least periodically.

SECTION 7-4. MARINE FACILITIES, STRUCTURES, AND EQUIPMENT STANDARDS

7-401. GENERAL

A. State and Federal Permits

Permits issued in accordance with this section or development orders for work in the Village do not eliminate the need to obtain all applicable state and federal agency permits.

B. Permits Required

1. A permit is required prior to starting any work applicable to the conditions and standards in Sec. 7-402, Dock and Shorelines Structure Standards, and Sec. 7-403, Marine Sanitation Standards.
2. Work relating to industrial, commercial, or multi-family projects may require a development order (Sec 2-502.A, Development Order) or limited development order (Sec 2-502.B, Limited Development Order), as applicable. All development order applications will be reviewed for compliance with this section.
3. In reviewing applications for permits and/or development orders, the Director may require:
 - A. Construction drawings sealed by a qualified professional engineer or registered architect;
 - B. A boundary or record survey, including labeled delineation of riparian lines, sealed by a professional surveyor and mapper (PSM) identifying the property boundary or riparian extensions into the waterbody in relation to construction or work. The survey submitted to meet this criteria shall be certified to the Village; and
 - C. A post-construction as-built survey, sealed by a PSM and certified to the Village, prior to issuance of a certificate of completion for any permit approved that is required to comply with the standards of this section.
4. The Director may conduct on-site inspections to determine if the proposed work or structure complies with the applicable standards of this section.
5. A permit is required to repair or replace an existing structure. (The Director has the authority to exempt minor repairs.)
6. The Director may authorize minor design alterations necessary to comply with the Americans with Disabilities Act.
7. Permit approvals granted in accordance with this section shall be based upon the information submitted by the applicant. An approval under this section does not constitute a legal opinion regarding the riparian rights or boundaries of the subject property or adjacent property, and may not be used to substantiate a claim of right to encroach into another property owner's riparian rights area.
8. Issuance of a permit for new construction, reconfiguration, or the repair of an existing structure that changes the configuration in a manner not consistent with the terms and conditions of the Manatee Protection Plan is prohibited.

C. Variances

Variances from the requirements of this section may be requested in accordance with Sec. 2-506.A, Zoning Variance, only upon finding the following standards are met:

1. The granting of a variance will not threaten or create an undue burden upon the health, safety, and welfare of abutting property owners or the general public;
2. The requested variance is necessary to relieve an unreasonable burden placed upon the applicant by applying the regulations in question to the applicant's property; and
3. The variance requested is consistent with the comprehensive plan and the Manatee Protection Plan.

D. Exemption from Setback Requirement

Any structure permitted under this subsection shall not be subject to the 25-foot setback requirements from a canal or other waterbody set out in the dimensional tables in Chapter 3: Zoning Districts.

E. Nonconforming Structures

Any nonconforming structure repaired, replaced, or altered in accordance with Chapter 9: Nonconformities, shall not increase the size or intensity of nonconformance with the Manatee Protection Plan and Sec. 7-402.E.2.C.

7-402. DOCK AND SHORELINES STRUCTURE STANDARDS

A. Docking Facilities and Boat Ramps

Dock facilities are permitted in accordance with the following standards:

1. Number of Slips

- A. No more than one private single-family watercraft mooring dock with two slips is permitted in natural waterbodies.
- B. A shared property line dock may be permitted for up to four slips with a joint use agreement in accordance with Sec. 7-402.A.8, Joint Use Agreements.
- C. Handrails shall be required to prohibit the mooring of watercraft in any area not designated as a watercraft slip. Handrails shall be permanently maintained.

2. Length of Docks

No private single-family dock, including mooring area, may be permitted or constructed in a natural or artificial waterbody to exceed the least of any of the following lengths as measured from the mean high water line:

- A. Two hundred (200) feet;
- B. Twenty-five (25) percent of the navigable channel width. In artificial waterbodies, the navigable channel is measured from mean high waterline to mean high waterline. Watercraft mooring areas that are waterward of the dock will be deemed ten feet in width; or
- C. Up to 300 feet, at the discretion of the Director, provided the following findings are made:
 - 1. The proposed dock is approved by all applicable state and federal agencies;
 - 2. The increased length will not result in a hazard to navigation;
 - 3. The proposed dock is compatible with docks or other structures and uses on adjoining lots; and
 - 4. The increase in length will lessen the dock's impacts on seagrass beds or other marine resources.

3. Maximum Dimensions

- A. Private single-family dock facilities in natural waterbodies shall comply with Table 7-402.A.3.A: Private Single-Family Docking Facilities Maximum Dimensional Standards.

TABLE 7-402.A.3.A: PRIVATE SINGLE-FAMILY DOCKING FACILITIES MAXIMUM DIMENSIONAL STANDARDS	
Access Walkway	4 feet in width
Terminal Platform	160 square feet in area
Finger Piers	3 feet in width

The diagram illustrates a dock facility layout. A vertical 'Access Walkway' extends from a 'Property Line' (indicated by a dashed line at the bottom) across a 'Riparian Line' (indicated by a dashed line on the left and right) to a 'Mean High Water Line' (indicated by a dotted line at the bottom). At the end of the walkway, there is a 'Terminal Platform' and a 'Finger Pier' extending into the water.

- B. The Director may permit a dock of greater dimensions than subsection A above, if:
 - 1. The primary access to the property is by watercraft;
 - 2. No reasonable alternative access exists; and
 - 3. The increase in the dock dimensions is the minimum necessary to meet the needs of the property owner.
- C. Single-family dwelling boat ramps shall have a maximum width of 15 feet.

4. *Setbacks*

- A. All multi-slip dock facilities, except boat davits, in or adjacent to natural waterbodies, shall be set back a minimum of 25 feet from all adjoining side lot lines.
- B. All private single-family docking facilities in natural waterbodies shall be set back from all adjoining side lot and side riparian lines, as follows:
 - 1. Marginal docks shall be set back a minimum of ten feet.
 - 2. All other docks shall be set back a minimum of 25 feet.
 - 3. Boat lifts and mooring pilings shall be set back a minimum of ten feet.
- C. Side setback requirements may be reduced if:
 - 1. Adjoining property owners execute and record a written agreement agreeing to a setback less than that required, or to a zero setback; and
 - 2. Placement of the dock in accordance with the setback agreement will not increase environmental impacts.
- D. The Director may permit deviation from the setbacks required by this subsection, in accordance with Sec. 2-506.C.2, Administrative Deviation, if the facility is located as close to the required setback as possible, and:
 - 1. The width of the subject parcel is not wide enough to permit construction of a single-family dock facility, perpendicular to the shoreline at the midpoint of the shoreline property line, without a deviation; or
 - 2. Construction of the structure outside the setback area will not cause or will minimize damage to wetland vegetation or other environmental resources, or will not cause greater damage than will occur if the deviation is not granted.
- E. The Director's decision in subsection D above, may be appealed in accordance with Sec. 2-506.D, Appeal of Administrative Official Decision.
- F. All boat ramps shall be set back a minimum of ten feet from all adjoining side lot and side riparian lines.

5. *Location*

- A. Docking structures in natural or artificial waterbodies that create a hazard to navigation are prohibited.
- B. Boat ramps located in a manner that will result in a change in the mean high water line are prohibited.
- C. Docks located at the end of a canal may require a survey sealed by a PSM depicting the riparian area. The dock shall be designed to allow for adequate ingress/egress and mooring within the subject property's riparian area.

6. *Minimum Water Depths*

A. *Single-Family Dock Facilities*

There shall be a minimum depth of three feet at mean low water for all watercraft slips on private single-family dock facilities in natural waterbodies.

B. *Water Depths Adjacent to and Within a Multi-Slip Dock Facility*

For multi-slip dock facilities there shall be a minimum depth of one foot clearance between the deepest draft of a vessel (with the engine in the down position) and an unvegetated bottom or the top of submerged aquatic vegetation (e.g. seagrasses) at mean low water, with

a minimum water depth of at least four feet within mooring areas, turning basins, and ingress and egress pathways.

7. *Interest in Land to Support Residential Dock Facility Approval*

In order to obtain a permit for a residential dock and related facilities, the property owner or applicant shall have a recorded right to access the water, and comply with the following standards:

- A. Own a lot with a deed describing the residential lot with at least one boundary being the waterway along which the dock facility is proposed. The lot described shall be a buildable lot with sufficient area to comply with the dimensional standards of the zoning district in which it is located.
- B. Have a recorded easement granting access to the waterbody for purposes of constructing and using a dock facility meeting the following standards:
 1. The easement shall be over land contiguous to the residential lot such that an extension of the side lot lines will allow access to the water beyond the rear lot line;
 2. The easement shall be for the benefit of a residential lot that is a buildable lot under the minimum lot area standards for the applicable zoning district; and
 3. The easement shall be necessary to gain access to the waterbody over and through any waterway buffer and maintenance areas required for development approval under this LDC.

8. *Joint Use Agreements*

Adjacent property owners seeking approval for a shared dock facility shall submit a draft joint use agreement. The agreement shall be approved by the Village Attorney and the Director prior to permit issuance, and shall:

- A. Identify each party by name, including mailing address. The parties shall be the owners of the property abutting each other that will benefit from the dock facility.
- B. Identify the physical location of the subject parcels, including STRAP numbers, a legal description, and an accompanying sketch.
- C. Identify the specific location of the docking facilities including: the name of the waterbody, the dimensions of the facilities, and the dimensions of the land that will be used in conjunction with the facilities.
- D. Provide, as an attachment to the agreement, a detailed sketch of the facility identifying the various docking facilities, subject property boundaries, and the upland area intended to be encumbered by the normal use of these facilities. This sketch shall be consistent with the statements made to comply with subsection C above.
- E. Specifically identify those areas that will be the subject of access easements to provide access, including ingress and egress to the docking facilities from each of the benefitted parcels. Depending on the facilities and parties involved, these easements may be reciprocal in nature. The easements shall be specifically granted to each party named in the agreement and shall run with the land (i.e. be part of the title to the primary residential parcel) in perpetuity. A grant of dock easement rights to parcels that do not abut the docking facility parcel is prohibited.
- F. Provide, as an attachment, a sketch prepared by a registered PSM, based on the legal description and identifying the access easements granted.
- G. Indicate who will be responsible for the cost of construction and maintaining the facilities. This can be accomplished by including cost sharing provisions.
- H. Indicate that the parties understand and agree to abide by all applicable federal, state, and local regulations pertaining to the construction, maintenance, and use of the facilities.
- I. Be submitted as a draft to the Director and the Village Attorney prior to recording, for approval.
- J. Be recorded in the public records of Lee County at the applicant's cost. A copy of the recorded agreement or a document identifying the recording information shall be submitted to the Village prior to permit issuance.

B. Dock Boxes

Dock boxes on private single family dock facilities shall not exceed three feet in height and 100 cubic feet in area. Dock boxes do not require building or marine facility permits.

C. Fishing Piers, Observation Decks, or Kayak/Canoe Structures

Fishing piers, observation decks, or kayak/canoe structures may be permitted in areas where water depth is insufficient for watercraft mooring. Kayak/canoe structures are for use with non-motorized watercraft. Fishing piers, observation decks, and kayak/canoe structures shall comply with the following standards.

1. Design

The design and construction shall:

- A. Prohibit watercraft mooring;
- B. Provide access walkways and terminal platforms at five feet above mean high water; except that the terminal end of a kayak/canoe structure used for launching kayaks/canoes may be constructed lower than five feet above mean high water;
- C. Provide fixed handrails, including intermediate rails, installed around the perimeter of the structure, except for the terminal end of a kayak/canoe structure;
- D. Include a “no boat mooring” sign placed facing the water on the terminal platform of the structure; and
- E. Be set back from all adjoining side lot and riparian lines no less than 25 feet on natural water bodies. In manmade waterbodies, no setback is required.

2. Dimensions

The design and construction shall:

- A. Provide access walkways that do not exceed a total of four feet in width in natural water bodies.
- B. Extend toward and into the water a maximum of 200 feet from the mean high waterline.
- C. Have a maximum area of 260 square feet for the terminal platform for fishing piers or observation decks;
- D. Have a maximum area of 160 square feet for the terminal platform for kayak/canoe structures; and
- E. Extend toward and into the water from the mean high waterline a maximum of 25 percent of the navigable channel width.

D. Boathouses

The following requirements apply to all boathouses associated with private single-family dwellings, except where specifically superseded by other provisions of this section:

1. Location

- A. All boathouses shall be constructed adjacent to or over a waterway. The entirety of a boathouse constructed over land shall be located within 25 feet of the mean high water line.
- B. Boathouses over submerged bottoms containing areas of dense seagrasses or shellfish beds are prohibited.
- C. Boathouses, boat lifts, and davits designed with mooring inside the structure shall not extend beyond 25 percent of the width of a navigable channel.

2. Setbacks

- A. The minimum setbacks for boathouses shall be 25 feet for natural waterbodies and ten feet for artificial waterbodies. The setback shall be measured from side lot lines and riparian lot lines to the nearest point of the structural beam of the boathouse roof.
- B. When a boathouse is constructed on or adjacent to two or more adjoining lots under common ownership and control, the setbacks shall be measured from the exterior property lines.

3. Design Criteria

A. Maximum Area

The maximum roofed area of a boathouse shall be 500 square feet.

B. Height

The maximum height of a boathouse shall be 20 feet above mean high water, as measured from mean high water to the highest point of the boathouse.

C. Permitted Uses

1. Use of a boathouse for living or fueling facilities is prohibited.
2. Up to 25 percent of the total roofed area of a boathouse may be used for storage of items that relate directly to the use and maintenance of watercraft. Items that do not relate directly to the use and maintenance of watercraft shall not be stored in a boathouse.

D. Decking

Access walkways not exceeding four feet in width are permitted in the area under the roof of a boathouse located over water. Additional decking in the area under the roof of a boathouse is prohibited. Decking on top of the boathouse is prohibited.

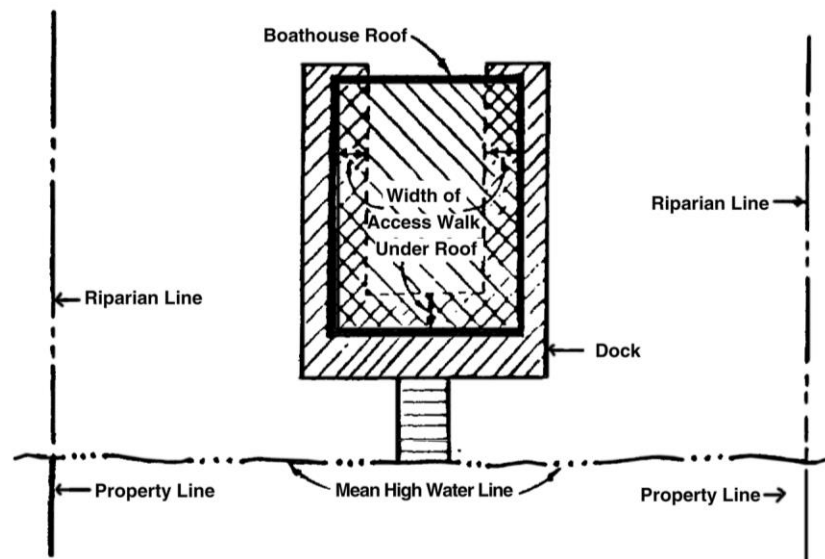
E. Enclosure

1. Boathouses located over a waterbody or adjacent to a natural waterbody shall be open-sided. Safety rails 42 inches high or less are permitted.
2. Boathouses located adjacent to an artificial waterbody shall meet the following requirements:
 - (a) The boathouse shall be open-sided if the proposed side setback is between ten and 25 feet.
 - (b) The boathouse may be open-sided or enclosed with wood lattice, chain-link, or other fencing materials if the side setback is 25 feet or more.

F. Wind Load Standards

All boathouses shall comply with the building code wind load standards. (See Building Code.) See Figure 7-402.D.3.F: Boathouse Plan.

Figure 7-402.D.3.F: Boathouse Plan



E. Seawalls, Retaining Walls, and Riprap Revetment

1. Seawalls on Artificial Waterbodies and Retaining Walls

- A. Seawalls may be permitted in an artificial canal with a minimum of 50 percent of the bank having seawalls, or for a linear distance of less than 300 feet where both adjoining properties

- have seawalls. A new or replacement seawall shall be installed in line with the existing seawall alignment or adjoining seawalls, and placed no greater than one foot waterward of an existing seawall. Until the backfill area is stabilized, silt fence or sod shall be placed immediately landward of the seawall cap to minimize erosion into the water.
- B. Riprap rock or other similar approved material shall be placed waterward along 50 percent of the linear length of a new or replacement seawall. This riprap is not required where it would interfere with designated watercraft tie-up areas. The rock shall be placed a minimum of three feet in height above the bottom, waterward of the seawall, or up to the mean high water line. The rock shall be a minimum average size of 12 inches in diameter.
- 2. Seawalls on Natural Waterbodies**
- A. New or expanded seawalls are not allowed along natural waterbodies.
- B. Other hardened structures, including but not limited to groins, fencing, and other similar structures, may be permitted along natural waterbodies.
- C. Lawfully existing seawalls along natural waterbodies may be maintained or repaired and may be replaced with the same type structure, built to the same dimensions and in the same location as the previously existing structure.
- 3. Retaining Walls**
- Retaining walls shall be setback a minimum of five feet from the mean high water line or landward of any wetland vegetation.
- 4. Riprap Revetment**
- A. Riprap shall be located and placed so as not to damage or interfere with the growth of wetland vegetation.
- B. Material used for riprap shall be sized properly for intended use, be a minimum average of 12 inches in diameter, and installed on top of filter fabric or equivalent material to prevent erosion of subgrade. Riprap shall be clean and free of debris and shall be deemed not harmful to the environment and public safety.
- C. Mangroves or other approved wetland vegetation shall be planted three feet on center in accordance with Sec. 7-402.F, Turbidity, for added shoreline stabilization and ecological benefit within the riprap. Other wetland mitigation techniques may be considered in-lieu of vegetation planting. No vegetation planting is required for riprap revetments constructed in artificial upland canals with a minimum of 50 percent of the bank having seawalls, or for a linear distance of less than 300 feet where both adjoining properties have seawalls.

F. Turbidity

All structures shall be placed to provide the least possible impact to aquatic or wetland vegetation. During work that will generate turbidity, turbidity screens shall be installed and properly maintained until turbidity levels are reduced to normal (ambient) levels.

G. Protection of Vegetation

1. Permit Conditions

Conditions for the protection of shoreline vegetation may be placed on permits issued in accordance with this section. The conditions may include the method of designating and protecting mangroves to remain after construction, and replacement planting for mangroves removed due to construction.

2. Mangrove Replacement and Plantings

- A. For each mangrove removed due to construction, three mangroves shall be replanted at an alternate location on the subject property. If planting on the subject property is not appropriate, alternative forms of mitigation, such as payment into a mitigation bank, may be allowed.
- B. Mangrove plantings shall be container grown, no less than one year old, eight inches in height, and have a guaranteed 80 percent survivability rate for at least a five-year period. Mangrove plantings shall be planted three feet on center. Mangrove replanting is required if the 80 percent survivability rate is not attained before the expiration of the five-year period.

3. Mangrove Removal

- A. Mangrove removal in conjunction with construction of riprap revetments, seawalls, or retaining walls along natural waterbodies is prohibited.
- B. Mangrove removal necessary for access walkway construction is limited to the minimum extent necessary to gain access to the dock facility. To the greatest extent possible, the access shall be located to:
 - 1. Use existing natural openings;
 - 2. Use areas infested with invasive exotic vegetation;
 - 3. Avoid larger mangroves; and
 - 4. Provide a maximum width of four feet and a maximum height of eight feet above the level of the walkway base.

7-403. MARINE SANITATION STANDARDS

A. Purpose

The purpose of this subsection is to protect the water quality and the health of the citizens of the Village from pollution resulting from sewage and other waste or discharges from marine-related activities.

B. Discharge of Waste Material Prohibited

It is unlawful for any person to discharge or permit or control or command to discharge any raw sewage, garbage, trash, or other waste material into the waters of the Village.

SECTION 7-5. HURRICANE PREPAREDNESS

7-501. PURPOSE AND INTENT

The purpose of this section is to address the impacts created by residential development on hurricane shelter availability and evacuation capability in the Village. These requirements are intended to mitigate the growing hurricane shelter deficit, along with related effects on evacuation times and infrastructure, caused by permitting residential development without addressing the incremental impact on the Village's hurricane preparedness program.

7-502. APPLICABILITY

- A. The hurricane preparedness standards of this section apply to new residential development on land in Category 1, 2, or 3 storm surge areas that is required to obtain a development order (Sec. 2-502.A, Development Order) or limited development order (Sec. 2-502.B, Limited Development Order).
- B. For purposes of this section, residential development includes but is not limited to, all assisted living facilities, dwelling units, housing units, mobile homes, recreational vehicle developments, hotels and motels, nursing homes, hospitals, and social service homes.

7-503. AUTHORITY

- A. The Director shall decide the type and degree of acceptable hurricane preparedness mitigation for a proposed development subject to the requirements of this section, based upon the type and intensity of development, its location, and the incremental effect on the hurricane preparedness program it creates. The mitigation requested by the Village shall have a reasonable relationship to the incremental impact of the development. Calculation of impacts according to Sec. 7-505.A, Shelter Impacts, constitutes sufficient evidence of reasonable relationship.
- B. The Director shall deny acceptance of an applicant's proposed mitigation if the proposal is inappropriate for the location involved or would result in the creation of an unacceptable shelter facility (e.g. on-site shelter without appropriate shutters).
- C. The option chosen by the developer to mitigate shelter and evacuation impacts shall be approved prior to the issuance of a development order (Sec 2-502.A, Development Order) or limited development order (Sec 2-502.B, Limited Development Order), as appropriate. The payment-in-lieu established by this section shall be satisfied prior to the issuance of a building permit.

7-504. DETERMINATION OF IMPACTS

A. Shelter Impacts

Shelter impacts are largely related to building issues (i.e., availability of actual appropriate shelter space). Impact on hurricane shelter availability is calculated as follows:

1. Residential Units

The following formula shall be used for dwelling units, housing units, mobile homes, recreational vehicle developments (including recreational vehicles qualifying as permanent residences under this LDC), nursing homes, hospitals, and social service homes.

- A. $U \times P = N$
- B. $N \times Ssr = Sp(r)$

2. Hotel or Motel Units

The following formula shall be used for all hotels and motels.

- A. $Hu \times O = R$
- B. $R \times Ssr = Sp(hu)$

3. Total Units

The following formula shall be used to calculate total shelter impacts for a development.

- A. $Sp(r) + Sp(hu) = Sp(t)$
- B. $Sp(t) \times Rfa = Sq(t)$

4. Formula Key

The terms in Table 7-504.A: Shelter Impacts Formula Key, shall be used in the formulas in subsections 1, 2, and 3 above.

TABLE 7-504.A: SHELTER IMPACTS FORMULA KEY	
Formula Term	Term Meaning
Hu	Number of hotel or motel units
N	Number of residents in development
O	Number of people per unit
P	Persons per household [1]
R	Residents in residence
Rfa	Required square feet of shelter floor area per space [2]
Sp(r)	Shelter spaces needed by development's residential units
Sp(hu)	Shelter spaces needed by development's hotel or motel units
Sp(t)	Total shelter spaces needed by all units
Ssr	Shelter seeking rate [3]
Sq(t)	Total square feet of shelter floor area required for the development
U	Number of residential units [4]
<p>NOTES:</p> <p>[1] For Developments of Regional Impact, use the value set forth below that represents the closest year to the established buildout date:</p> <p style="padding-left: 40px;">Year 2000: 2.25 Year 2005: 2.21 Year 2010: 2.17 Year 2015: 2.13 Year 2020: 2.09</p> <p>The Director may use an alternative person per household (P) figure for non-development of regional impact projects. Any alternative figure used shall be supported by valid evidence, acceptable to the Director and derived from an established and professionally acceptable source. The applicant requesting the alternative figure is responsible for providing sufficient evidence to substantiate the alternative figure.</p> <p>[2] 20 square feet per space</p>	

TABLE 7-504.A: SHELTER IMPACTS FORMULA KEY	
Formula Term	Term Meaning
[3] 0.21	
[4]	In nursing homes, hospitals, and social service homes, each four beds will be counted as one residential unit.

B. Evacuation Impacts

Evacuation impacts are largely related to the transportation infrastructure necessary to accommodate timely and efficient evacuation. Impacts on the evacuation time and infrastructure are calculated as in 1. and 2., below.

1. *Evacuating Vehicles for All Residential Units*

$$EV(t) = U \times V$$

2. *Formula Key*

The terms in Table 7-504.B: Evacuation Impacts Formula Key, shall be used in the formula in subsection 1 above.

TABLE 7-504.B: EVACUATION IMPACTS FORMULA KEY	
Formula Term	Term Meaning
EV(t)	Number of evacuating vehicles for all residential units[1]
U	The number of residential units
V	The number of vehicles per occupied unit [2]
Notes:	
[1]	For this formula residential units includes single-family residential, multi family, hotels or motels, etc.
[2]	1.1

7-505. MITIGATION

A. Shelter Impacts

Except for those developments listed in subsection 5 below, one or a combination of the following options may be used to address the impacts on the hurricane shelter program. The Director shall determine the acceptability and appropriateness of the mitigation proposed.

1. *Land Donation*

If a donation of land is proposed, it shall meet the following requirements:

- A. The land shall be located outside the coastal high hazard area.
- B. The land shall be capable of being used to reduce hurricane shelter impacts in the Village.
- C. The Village shall receive marketable fee title to the land. Land donated shall not be encumbered by a restriction that it be used solely for hurricane shelter purposes.
- D. The value of the land donated shall be determined as of the earliest date the requirement to provide hurricane preparedness mitigation becomes applicable based upon formal Village action (i.e., rezoning (zoning map amendment), platting, development order approval, etc.).

2. *Donate Use of Private Structure*

If a donation of the use of a private structure is proposed, it shall comply with the following requirements:

- A. The structure shall be located outside the coastal high hazard area.
- B. The structure shall be constructed and capable of use as a primary public hurricane shelter. Specifically, the structure and all required equipment and supplies shall be:
 - 1. Elevated to the anticipated land fall of a Category 3 hurricane’s flood level;
 - 2. Constructed to withstand winds of at least 150 miles per hour according to the Florida Building Code;

3. Constructed with a minimum of exterior glass, with all glazed openings provided with impact protection in accordance with the Florida Building Code;
 4. Equipped with emergency power and potable water supplies;
 5. Provided with adequate ventilation, sanitary facilities, and first aid equipment; and
 6. The structure and all restrooms and support facilities shall comply with all regulations regarding accessibility for persons with disabilities.
- C. For purposes of compliance with this subsection, the cost of providing or donating a structure for use as a primary hurricane shelter shall be determined as the incremental cost difference attributable to bringing the structure up to primary public shelter standards from the original primary proposed use.
3. *Payment In-Lieu of Donation of Land or Use of a Private Structure*
If payment in-lieu is proposed, it shall be calculated using the following formula:
- A. *Step One: Calculate Costs for Shelter Improvements*
The following formula determines cost for increased wind speed standards and elevation
 1. Shelter Improvement Costs = $Sq(t) \times \$6.66$
 2. Note: \$6.66 is derived from adding \$1.34 per square foot of shelter space for increased essential facility wind speed standards to \$5.32 per square foot of shelter space for increase for elevation above storm surge for a Category 3 hurricane.
 - B. *Step Two: Emergency Power Costs*
 1. Emergency Power Costs = $LPC \times SF \times PD \times \$200.00 \div 1000$
 2. $5 \times 20 \times 1$ (representing one person) $\times \$200.00 \div 1000 = \20.00 per person
 - C. *Step Three: Total Costs (not including shuttering)*
Total costs (not including shuttering) = $(Sq(t) \times \$6.66) + (\$20.00 \times N)$
 - D. *Formula Key*
The terms in Table 7-505.A.3: Payment-In-Lieu Formula Key, shall be used in the formulas in subsections A, B, and C above.

TABLE 7-505.A.3: PAYMENT-IN-LIEU FORMULA KEY	
Formula Term	Term Meaning
LPC	Number of watts per square foot for load and power consumption of typical uses.
PD	Number of people in dwelling unit. Use "1" for calculating per-person
SF	20 square feet, the minimum hurricane shelter space area per person.
Sq(t)	Total square feet of shelter floor area required for the development, as calculated in Sec. 7-504.A.3.B.

4. *On-Site Shelter*
Provision of an on-site shelter shall comply with the following requirements:
- A. The on-site shelter shall be located outside the coastal high hazard area unless it is constructed in accordance with the standards in Sec. 7-505.A.5.B, Facilities Requiring Special Care, for the uses referred to therein.
 - B. The shelter space shall, at a minimum, equal the hurricane shelter space demand the proposed development is anticipated to create.
 - C. The structure and all required equipment and supplies shall be:
 1. Elevated to the anticipated flood levels of a Category 3 hurricane;
 2. Constructed to withstand winds of at least 150 miles per hour according to the Florida Building Code;
 3. Constructed with a minimum of exterior glass with all glazed openings provided with impact protection in accordance with the Florida Building Code;

4. Equipped with emergency power and potable water supplies;
 5. Provided with adequate ventilation, sanitary facilities, and first aid equipment; and
 6. The structure, and all restrooms and support facilities, shall comply with all regulations regarding accessibility for persons with disabilities.
- D. For purposes of compliance with this subsection, the cost of providing a structure for use as an on-site hurricane shelter will be determined as the incremental cost difference attributable to bringing the structure up to public shelter standards from the original or primary use.
- E. The developer shall arrange for the annual training for the on-site shelter manager. Training shall be conducted by the American Red Cross and approved by the Director.

5. *Facilities Requiring Special Care*

- A. This subsection applies to assisted living facilities, nursing homes, continuing care retirement communities, hospitals, and social service homes.
- B. The facilities subject to this subsection shall be located outside the coastal high hazard area unless designed to address shelter and evacuation impacts on-site as follows:
- (a) Be elevated to the anticipated storm surge from a land falling Category 5 storm.
 - (b) Be constructed to withstand winds of 200 mph, in accordance with the Florida Building Code;
 - (c) Be constructed with minimum exterior glass with all glazed openings provided with impact protection in accordance with the Florida Building Code;
 - (d) Be equipped with emergency power and potable water supplies to last up to five days; and
 - (e) Be protected with adequate ventilation, sanitary facilities, and first aid medical equipment.
2. The developer or operator of the facility shall conduct annual training of the on-site shelter managers. The training is to be conducted by the Red Cross and approved by the Director.
3. The developer or operator of the facility shall submit a post storm recovery plan including post storm evacuation plan for review and approval by the Director.
- C. Facilities located within Lee County Evacuation Zones A, B, or C as maintained by the Lee County Emergency Operations Center shall construct sufficient hurricane shelter space for its residents meeting the construction standards set forth in Sec. 7-505.A.4, On-Site Shelter. This requirement may not be satisfied by a payment in-lieu of constructing the shelter.

B. Evacuation Impacts

One or a combination of the following options may be used to address the impacts on hurricane evacuation routes with respect to evacuation timing and infrastructure precipitated by a proposed residential development. The acceptability and appropriateness of the type of mitigation proposed shall be determined by the Director, with assistance from the Lee County Department of Transportation (LDOT).

1. *Roadway Elevation or Improvements*

The acceptability and appropriateness of any proposed mitigation option shall be determined by the Director based on the residential development's vulnerability conditions. Mitigation under this option may include one or more of the following:

- A. Construction of roads in the development or subdivision that are built to meet the same elevation as the nearest segment of a designated evacuation route. Determination as to the applicable route or segment shall be made by the Director in consultation with LDOT.
- B. Construction of the main access or spine road in the development or subdivision to an elevation meeting the one in ten- to the one in 25-year storm event. The Director shall determine the applicable storm event standard.
- C. Improvement of an offsite road to be used by the subdivision or development for evacuation purposes. The road segment and standard for the road improvement shall be determined by the Director in consultation with LDOT.

2. *Evacuation Efficiency Improvements*

This mitigation strategy involves the provision of funds to improve the ability to provide information to evacuees during actual evacuation situations or to improve the existing warning and notification system. Funds provided under this option may be used for items such as:

- A. Communications equipment to convey real-time conditions to the public on the roads.
- B. Information systems along major arterial evacuation routes to convey emergency information.

3. *Vertical Evacuation*

The viability of a vertical evaluation mitigation option shall be based upon the following:

- A. The structure shall be elevated above the anticipated Category 3 land falling hurricane storm surge and shall be able to withstand wind speeds of at least 150 miles per hour.
- B. The structure shall be located outside the coastal high hazard area.

C. Mitigation Options That Will Address Both Shelter and Evacuation Impacts

One or a combination of the following options will constitute full mitigation of both shelter and hurricane evacuation impacts for residential development, with the exception of those residential developments listed in Sec. 7-505.A.5.B, Facilities Requiring Special Care.

1. *Safe Room*

Construction of a room, within a residential building, that is designed to withstand a hurricane and is capable of accommodating the occupants of the dwelling. Viability of this mitigation option shall be determined by the Director based upon the following:

- A. The room selected for this purpose shall be built to current FEMA safe room standards.
- B. The residential unit where the safe room is constructed shall be located outside the coastal high hazard area.

2. *Elevation Above Hurricane Flooding Levels*

Construction of residential units above the Category 3 land falling storm surge level. This option is available only for construction located outside the coastal high hazard area and does not subject the construction to standards in excess of those applicable in the Village building code.

D. Appropriate Spending

All funds collected in accordance with this section are required to be spent to provide hurricane mitigation options for the development paying the funds, in an amount proportionate to the funds paid.

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CHAPTER 8. PUBLIC FACILITY FUNDING AND COORDINATION

SECTION 8-1. IMPACT FEES

8-101. PURPOSE

- A. The purpose of this section is to regulate the use and development of land to ensure that new development bears a proportionate share of the cost of capital expenditures to provide capital facilities made necessary by the new development.
- B. Prior to issuance of a building permit for development in the Village, an applicant shall pay all impact fees required under this section. No building permit shall be issued until all impact fees required under this section are paid.
- C. Development that has submitted an application for a building permit shall pay the impact fee for the proposed development in effect on the date the application is determined complete.
- D. The United States, the State of Florida, and the School Board of Lee County are exempted from the payment of impact fees.

8-102. ROAD IMPACT FEES

A. Applicability and Exemptions

1. The following are exempt from payment of the road impact fee. Any exemptions shall be claimed by the feepayer before the issuance of a building permit.
 - A. Alterations or expansion of an existing building or use of land where no additional living units will be produced, where the use is not changed, and where the alteration or expansion will not produce more vehicular trips than the existing use.
 - B. Construction of accessory buildings or structures that will not produce more vehicular trips than those produced by the principal building or use of the land.
 - C. The replacement of an existing lawfully permitted building, mobile home, park trailer, or structure, provided that no additional vehicular trips will be produced than those produced by the original use of the land.
 - D. A building permit for which the road impact fee has been or will be paid or provided for in accordance with a written agreement, development approval, development order, or permit that, by its written terms, clearly and unequivocally was intended to provide for the full mitigation of the projected impact.
2. In the case of structures, mobile homes, or park trailers that are moved from one location to another, a road impact fee shall be collected for the new location if the structure, mobile home, or park trailer constitutes one of the land development uses listed in subsection B below, regardless of whether road impact fees had been paid at the old location, unless the use at the new location is a replacement of an equivalent use. If the structure, mobile home, or park trailer moved is replaced by an equivalent use, no road impact fee is owed for the replacement use. In every case, the burden of proving past payment of road impact fees or equivalency of use rests with the feepayer.

B. Computation of Amount

1. *Schedule*

Unless the feepayer elects to provide an independent calculation in accordance with this section, the amount of the road impact fee shall be determined by the schedule set forth in Table 8-102.B: Road Impact Fee Schedule. The reference in the schedule to square feet refers to the gross square footage of each floor of a building measured to the exterior walls, and not usable, interior, rentable, non-common, or other forms of net square footage. The reference in the schedule to mobile home/RV park site refers to the number of mobile home or recreational vehicle sites permitted by the applicable approved development order.

TABLE 8-102.B: ROAD IMPACT FEE SCHEDULE		
Land Use Type	Unit	Road Impact Fee Due
Residential		
Single-family residence (Detached)	Dwelling Unit	\$9,966
Multi-Family, Low Rise (including two-family attached and townhome 1-2 story)	Dwelling Unit	\$7,750
Multi-Family, Mid-Rise (3-10 stories)	Dwelling Unit	\$5,760
Multi-Family, High-Rise (11+ stories)	Dwelling Unit	\$4,700
Mobile home/RV park	Pad/Park site	\$5,293
Assisted Living Facility (ALF)	Dwelling Unit	\$2,138
Continuing Care Retirement Community	Dwelling Unit	\$2,540
Hotel/Motel or timeshare	Room/unit	\$4,497
Retail Commercial		
Shopping Center	1,000 sq. ft.	\$11,476
Bank	1,000 sq. ft.	\$25,579
Car wash, Self-service	Stall	\$6,112
Convenience store with gas sales (<10 fuel positions)	Per Fuel Position	\$18,979
Convenience store or super convenience store with gas sales (10+ fuel positions)	Per Fuel Position	\$13,565
Golf course (open to public)	Acre	\$2,277
Cinema or theater	1,000 sq. ft.	\$26,985
Restaurant, Standard	1,000 sq. ft.	\$22,019
Restaurant, Fast Casual	1,000 sq. ft.	\$39,277
Restaurant, Fast Food	1,000 sq. ft.	\$48,912
Office/Institutional		
Office	1,000 sq. ft.	\$7,614
Hospital	1,000 sq. ft.	\$7,920
Nursing Home	1,000 sq. ft.	\$4,907
Place of Worship	1,000 sq. ft.	\$4,712
Day Care Center	1,000 sq. ft.	\$10,345
Elementary/Secondary School (private)	1,000 sq. ft.	\$3,893
Industrial		
Industrial park or general industrial	1,000 sq. ft.	\$3,380
Warehouse	1,000 sq. ft.	\$1,749
Warehouse/High-Cube	1,000 sq. ft.	\$1,409
Mini-Warehouse (Self-Storage)	1,000 sq. ft.	\$1,085
Mine	Cubic Yard	\$0.04
NOTES:		
<p>[1] Mobile homes not located within an established mobile home park will be treated as a single-family residence for impact fee calculation purposes.</p> <p>[2] Impact fees for a golf course (i.e., tees, fairways, greens, accessory structures such as golf cart houses, etc.) are due and payable prior to the issuance of the first building permit for the golf course. The golf course clubhouse and related clubhouse facilities will not be included in the impact fee calculation for the golf course. Impact fees for the clubhouse and related facilities will be calculated separately, at the time of building permit issuance for these facilities, based upon the uses encompassed by the clubhouse facility.</p> <p>[3] If a building permit is requested for a building with more than one principal use, then the fee will be determined according to the schedule set out in this subsection by apportioning the total space within the building according to the space devoted to each principal use. A shopping center will be considered a principal use; however, when located within a shopping center, a fast-food restaurant or convenience store with gasoline sales will be considered a principal use.</p>		

2. If the type of development activity for which a building permit is applied is not specified on the fee schedule set out in this section, the Director will use the fee applicable to the most nearly comparable type of land use on the fee schedule set out in this subsection. The Director shall be guided in the selection of a comparable type by the ITE “Trip Generation” Manual (latest edition), studies or reports done by USDOT or FDOT, and articles or reports appearing in the ITE Journal and other reliable sources. If the Director determines that there is no comparable type of land use on the fee schedule set out in this subsection, then the Director shall determine the fee by:
 - A. Using traffic generation statistics or other relevant data from the sources named in this subsection; and
 - B. Applying the formula set forth in subsection 5 below.
3. The road impact fee for a change of use, redevelopment, or modification of an existing use shall be based upon the net increase in the impact fee for the new use as compared to the previous use. However, no impact fee refund or credit will be granted if a net decrease results.
4. If the road impact fee has been calculated and paid based on error or misrepresentation, it shall be recalculated and the difference refunded to the original feepayer or collected by the Village, whichever is applicable. If road impact fees are owed, no Village permits of any type shall be issued for the building or structure in question, or for any other portion of a development of which the building or structure in question is a part, until impact fees are paid. The Building Official may bring any action permitted by law or equity to collect unpaid fees.
5. If a feepayer opts to have the impact fee determined through an independent study, then the feepayer shall prepare and submit such study to the Director. The study shall measure the impact of the development in question on the affected road system(s) by following prescribed methodologies and formats for the study acceptable to the Director. The feepayer shall attend a pre-application meeting with the Director to discuss the traffic engineering and economic documentation required to substantiate the request. The traffic engineering and economic documentation submitted shall address all aspects of the impact fee formula that the Director determines to be relevant in defining the project’s impacts at the pre-application meeting and shall show the basis upon which the independent fee calculation was made, including but not limited to the following:
 - A. *Traffic Engineering Studies*

All independent fee calculation studies shall address the following:

 1. Documentation of trip generation rates appropriate for the proposed land development activity;
 2. Documentation of trip length appropriate for the proposed land development activity; and
 3. Documentation of the percent of new trip data appropriate for the proposed land development activity.
 - B. All buildings, structures, and facilities capable of being used by the public shall be charged the full road impact fee set forth for that use in Table 8-102.B: Road Impact Fee Schedule. However, the Village recognizes that there are instances where a building, structure, or facility capable of public use is actually restricted to the private use of a specific development (i.e., private clubhouse dining facilities built as a planned development amenity). In these instances, a reduced impact fee may be claimed by the property owner in accordance with the following:
 1. Filing of an independent fee calculation study ultimately approved by the Director; or
 2. Acceptance by the developers and property owner, as a condition of building permit or development order approval, that:
 - (a) The developer or owner shall submit documentation, acceptable to the Director, that shows the proposed private use will have no off-site road impacts;
 - (b) The proposed use shall be restricted to the sole use of the residents of the subdivision by covenants acceptable to the Village Attorney and enforced by a property owners’ association or similar entity;

- (c) The certificate of occupancy shall be revoked if the Director determines the proposed private use has changed in character to that of a public use, and the certificate of occupancy shall not be reinstated until the full impact fee is paid; and
- (d) The Director shall withhold all building permits and development approvals for all phases or parts of the development connected with, or entitled to use the proposed private facility until the full impact fee is paid.

C. The impact fee schedule set forth in Table 8-102.B: Road Impact Fee Schedule, shall be updated periodically as necessary.

C. Payment

1. The feepayer shall pay the road impact fees required by this section to the Building Official prior to the issuance of any building permit for which the fee is imposed, except as provided in subsections A above and H through J below.
2. In-lieu of cash, up to 100 percent of the road impact fees may be paid with credits created in accordance with the provisions of subsections H through J below.
3. All funds collected in accordance with this section shall be promptly transferred for deposit into the road impact fee trust fund to be held in a separate account as determined in subsection D below and used solely for the purposes specified in this section.

D. Benefit District Established

1. There is hereby established one benefit district within the Village.
2. Subdistricts may be created by further legislation.

E. Trust Fund Account

1. There is hereby established a road impact fee trust fund account for the road impact fee benefit district established in subsection D above.
2. Funds withdrawn from this account shall be used in accordance with the provisions of subsection F below.

F. Use of Funds

1. Funds collected from road impact fees, including any interest earned but excluding administrative charges, shall be used for the purpose of capital improvements to approved roads. Funds shall not be used for periodic or routine maintenance. These impact fee funds shall be segregated from other funds and expended in the benefit district. Funds may be used or pledged in the course of bonding or other lawful financing techniques, as long as the proceeds raised are used for the purpose of capital improvements to approved roads. If these funds or pledge of funds are combined with other revenue sources in a dual or multipurpose bond issue or other revenue-raising device, the proceeds raised shall be divided and segregated, such that the amount of the proceeds reserved for road purposes bears the same ratio to the total funds collected that the road impact fee funds used or pledged bear to the total funds used or pledged.
2. Each fiscal period the Manager, consistent with the provisions of any interlocal agreements made with the County or other municipalities, shall present to the Village Council a proposed capital improvement program for roads, assigning funds, including any accrued interest, from the road impact fee trust fund to specific road improvement projects. Monies, including any accrued interest, not assigned in any fiscal period shall be retained in the road impact fee trust fund until the next fiscal period, except as provided by the refund provisions of this section.
3. The Village is entitled to charge and collect an amount equal to up to three percent of road impact fees it collects in cash, or by a combination of cash and credits, as an administrative fee to offset the costs of administering this section. This administrative charge is in addition to the impact fee amount required by this section. The applicant is responsible for payment of the administrative charge in conjunction with the payment of impact fees at the time a building permit is issued.

G. Refund of Fees Paid

1. If a building permit expires, is revoked or voluntarily surrendered and therefore voided, and no construction or improvement of land (including moving a mobile home onto land) has commenced, then the feepayer is entitled to a refund of the road impact fee paid as a condition for its issuance, except that up to three percent of the impact fee paid will be retained as an

administrative fee to offset the cost of processing the refund. This administrative fee is in addition to the charge collected at the time of fee payment. No interest will be paid to the feepayer on refunds due to noncommencement.

2. Funds not expended or encumbered by the end of the calendar quarter immediately following ten years from the date the road impact fee was paid shall, upon application of the feepayer within 180 days of that date, be returned to the feepayer with interest at the rate of three percent per annum.

H. Prepayment of Fees

Prepayment of road impact fees will be accepted by the Village as permitted by law and in accordance with the following:

1. Prepayment is specifically required or permitted by:
 - A. A DRI development order adopted in accordance with Ch. 380, Fla Stat.;
 - B. An agreement between the developer and Village made in accordance with Art. VII of the Fla. Const. and Sec. 166.021, Fla Stat.; or
 - C. A development agreement in compliance with Secs. 163.3220-163.3243, Fla. Stat. (The Florida Local Government Development Agreement Act).
2. Prepayment is made by certified check or cashier's check accompanied by a letter identifying the amount to be prepaid and the document allowing prepayment delivered to the Director.
3. The Village shall issue credit equal to the prepayment, subject to the express terms of the development order, agreement, or development agreement.

I. Deferral of Fees

1. Deferrals shall be limited to the following:
 - A. Persons seeking building permits for a shell building may, at their option, defer payment of road impact fees until issuance of any interior completion permits.
 - B. No interior completion permit shall be issued until the applicant pays the corresponding road impact fee that is due, or demonstrates to the Building Official that the road impact fee due has already been paid for the unit(s) to be completed.
2. Deferrals shall be claimed by the feepayer at the time of the application for a building permit. Any deferrals not so claimed are deemed waived by the feepayer.

J. Credits

1. General

Credits are subject to the following:

A. Prohibition

No credit will be given for:

1. Site-related improvements;
2. Local roads; or
3. Access roads needed to achieve site location standards for commercial development or for internal circulation unless required by the Village pursuant to criteria in this LDC.

B. Capital Improvement to Approved Roads

1. All capital improvements for roads in the Village five-year Capital Improvements Program are eligible for road impact fee construction credits, except for those improvements deemed site-related in accordance with a participating Village or state development or zoning approval, and may generate road impact fee credits in amounts to be established in accordance with subsection C below. The right to determine whether a capital improvement will be approved for credit purposes lies exclusively with the Village Council.
2. If the improvement is not site-related and is required under a participating Village or state development or zoning approval, credits will be given to the extent required by law.

C. *Conditions of Credit Approval*

Credit for road construction or land dedication is subject to the following:

1. *Road Construction*

- (a) A request submitted for road impact fee construction credits shall include a detailed project description and complete cost estimates, prepared by a qualified professional, sufficient to enable the Manager or a designee to verify the cost estimates and determine the appropriate credit amount. The Manager or a designee may secure other engineering and construction cost estimates in order to independently determine the credit amount to recommend.
- (b) For all requests, the Manager or a designee shall make a recommendation to the Village Council on the appropriate amount of credits. Construction credits may be given at the discretion of the Village Council on a case-by-case basis if the Council finds that:
 - i. The construction will not increase public infrastructure costs to serve the new development, and
 - ii. Construction on the road for which credits are being sought is needed to insure adequate capacity on the Village road network.
- (c) The amount of credit approved by the Village Council is limited to the actual verified costs of construction and shall be reduced by the percentage that the new road's total capacity is expected to be utilized by local traffic from future development on adjacent lands owned or controlled by the grantor. This amount may be further reduced, at the Council's discretion, to reflect the Manager's or a designee's estimate of the value of the accelerated construction of the road in relation to the Village's schedule of planned road construction.

2. *Land Dedication*

- (a) The following documents shall be submitted to support an application for road impact fee credits applicable to land dedication for approved roads:
 - i. A signed and sealed ALTA survey prepared by a licensed professional surveyor and mapper and certified to the Village, encompassing the land to be dedicated to the Village and covered by the title insurance policy;
 - ii. A specimen of the deed that will be used to convey title to the appropriate governmental body;
 - iii. An ALTA Form B title insurance policy in an amount equal to the approved value of the credits, to be issued by a company satisfactory to the Village Land Use Attorney and verifying that the proffered deed will convey unencumbered fee simple title to the appropriate governmental body;
 - iv. Property appraisals prepared by qualified professionals that appraise the road as part of the whole development;
 - v. A document from the Lee County tax collector stating the current status of the property taxes; and
 - vi. An affidavit of interest in real property in accordance with Sec. 286.23, Fla Stat. The affidavit shall certify to the Village the name and address of every person having a beneficial interest in the real property, however small or minimal. The disclosure affidavit shall specifically identify the property to be conveyed and be sworn before a notary.
- (b) These submittals shall be reviewed by the Manager or a designee in making the decision to recommend credits or the Village Council in deciding whether to approve credits.
- (c) Except where a dedication is made in accordance with a condition of zoning approval or development of regional impact development order, the appraiser shall value the land at its then-current zoning without any enhanced value that could be attributed to

improvements on the parcel. If the land in question is subject to a valid agreement, development approval, or permit prescribing a different valuation, that document will control the date of valuation. If the dedication is made in accordance with a condition of development approval or permit and is not a site-related improvement and the condition does not specifically prescribe otherwise, then the land value will be based upon the value of the land as it existed prior to the approval containing the condition of dedication. The Manager or a designee may independently determine the amount of credit to be recommended by securing other property appraisals for right-of-way dedications.

- (d) The amount of credit for dedication of right-of-way shall be limited to the minimum amount of right-of-way needed by the Village and the full value of the land in question, as determined by the methodology and procedures set out in this subsection. Credits for dedication of right-of-way may be given at the discretion of the Village Council on a case-by-case basis if the Council finds that:
 - i. The dedication will not increase public infrastructure costs to serve the new development, and
 - ii. Dedication (and future construction) of land for the road for which credits are being sought is needed to insure adequate capacity on the Village road network.
- (e) The amount of credit approved by the Village Council is limited to the value of the land in question, as determined by the methodology and procedures set out in this section, and may be reduced by the percentage the capacity of the road in question is reasonably expected to be utilized by local traffic from future development on adjacent lands owned or controlled by the grantor. This amount may be further reduced, at the Council's discretion, to reflect the Council's estimate of the value of the accelerated acquisition of the road in relation to the schedule of planned road construction. In every case, road impact fee credits shall be calculated consistent with Sec. 380.06(5), Fla Stat.
- (f) Any person seeking credits for dedication of land shall meet with the Village Land Use Attorney, the Manager or a designee, and Community Development Department staff to seek agreement on appraisal methodology and assumptions before preparing any appraisals for valuation of land to be dedicated.

D. *Timing of Credit Issuance*

Credits for construction shall be created when the construction is complete and accepted by the Village for maintenance in accordance with the Village Administrative Manual or when the feepayer posts security for the costs of such construction. Credits for land dedication shall be created when the title to the land has been accepted by the Village and recorded in the official records of Lee County. No credits for construction or dedication shall be approved or created until the Village has established the location of the road in question using the procedures provided by law. Security in the form of cash, a performance bond, irrevocable letter of credit, or escrow agreement shall be posted with the Village Council and made payable to the Village in an amount approved by the Manager or a designee equal to 110 percent of the full cost of construction. If the road construction project will not be constructed within one year of the acceptance of the offer by the Village, the amount of the security shall be increased by ten percent, compounded for each year of the life of the security. The form of the security shall be reviewed and approved by the Village Land Use Attorney prior to acceptance by the Village.

E. *Transferability*

1. Road impact fee credits may be transferred, sold, assigned, or conveyed from one development or parcel to another that is within the same road impact fee benefit district, or to an adjoining benefit district in the Village (if one exists) if the development or parcel receiving the transfer receives benefits from the improvement or contribution that resulted in the credit (also see Village Administrative Manual). Unless a longer period is specifically authorized by the Village Council, transferable credits shall be used within ten years of the date created. The creation date is the date the instruments conveying legal title to the land or improvements given in exchange for credits were recorded in the Lee

County official record book. The creation date for credits in accordance with prepayment of fees under subsection H above shall be the date the prepayment is received by the Village. Credits not used within ten years of issue shall expire.

2. Any person who accepts credits in exchange for the dedication of land or improvements does so subject to the provisions and restrictions of this section.

F. *Withdrawal*

Any person who offers land or improvements in exchange for credits may withdraw the offer prior to the transfer of legal title to the land or improvements and pay the impact fees required by this section.

2. *Documentation Required*

FeePAYERS claiming credits shall submit documentation sufficient to permit the Director to determine whether the credits claimed are due and, if so, the amount of the credits.

3. *Timing of Credits Required to Be Claimed*

Credits shall be claimed by the feePAYER at the time of the application for a building permit. Any credits not so claimed will be deemed waived by the feePAYER.

K. Appeals

Decisions made by the Director in the course of administering this section may be appealed to the Village Council in accordance with Sec. 2-506.D, Appeal of Administrative Official Decision.

L. Enforcement

1. A violation of this section may be enforced in accordance with the adopted code enforcement procedures (Ordinance 2015-14).
2. Knowingly furnishing false information to the Manager or a designee, the Director, or any other Village official who is charged with the administration of this section on any matter relating to the administration of this section constitutes a violation of this section.

8-103. PARK IMPACT FEES

A. Applicability and Exemptions

The following are exempt from payment of the park impact fee. Any exemptions shall be claimed by the feePAYER before the issuance of a building permit.

1. Alteration or expansion of an existing building or use of land, where no additional living units will be produced and where the use is not changed.
2. The construction of accessory buildings or structures that will not produce additional living units.
3. The replacement of an existing lawfully permitted building, mobile home, park trailer, or structure, provided that no additional living units will be produced than those produced by the original use of the land.
4. A building permit for which the park impact fee has been or will be paid or provided in accordance with a written agreement, development approval, or permit that, by its written terms, clearly and unequivocally was intended to provide for the full mitigation of the projected impact.
5. A building permit that does not result in an additional living unit.

B. Imposition of Fees

1. Except as provided in subsections A above and I below, any person who seeks to develop land by applying to the Village for the issuance of a building permit for the purpose of making an improvement to land for one of the uses specified in subsection C below is required to pay a park impact fee in the manner and amount set forth in this section. Payment of the park impact fee is for the purpose of providing regional and community parks to accommodate this new development.
2. No building permit for any activity requiring payment of an impact fee in accordance with subsection C below shall be issued by the Building Official unless and until the park impact fee required by this section is paid.

3. In the case of structures, mobile homes, or park trailers that are moved from one location to another, a park impact fee shall be collected for the new location if the structure, mobile home, or park trailer constitutes one of the land development uses listed in subsection C below, regardless of whether park impact fees had been paid at the old location, unless the use at the new location is a replacement of an equivalent use. If the structure, mobile home, or park trailer moved is replaced by an equivalent use, no park impact fee is owed for the replacement use. In every case, the burden of proving past payment of park impact fees or equivalency of use rests with the feepayer.

C. Computation of Amount

1. Schedule

Unless the feepayer elects to provide an independent calculation in accordance with this section, the amount of the park impact fee shall be determined by the schedule set forth in Table 8-103.C: Park Impact Fee Schedule.

TABLE 8-103.C: PARK IMPACT FEE SCHEDULE		
Land Use Type	Unit	Impact Fee
Single-family residence (Detached)	Dwelling Unit	\$1,535
Multiple-family building, two-family dwelling, townhouse, two-family attached, timeshare	Dwelling Unit	\$1,162
Hotel/Motel	Room/unit	\$734
Mobile Home/RV Park site	Pad/park site	\$1,125
NOTES:		
[1] Mobile homes not located within an established mobile home park will be treated as a single-family residence for impact fee calculation purposes.		

2. Under this section, park impact fees become due and payable at the time of building permit issuance. For purposes of this section, a building permit is considered “issued” when the permit meets all of the following:
 - A. The permit is approved by the Building Official;
 - B. The permit has been picked up by the owner or the owner’s agent; and
 - C. All applicable fees have been paid.
3. When change of use, redevelopment, or modification of an existing use requires the issuance of a building permit, the park impact fee shall be based upon the increase in the impact fee for the new use as compared to the previous use. However, no impact fee refund or credit shall be granted if a net decrease results.
4. If the park impact fee has been calculated and paid based on error or misrepresentation, it shall be recalculated and the difference refunded to the original feepayer or collected by the Village, whichever is applicable. If park impact fees are owed, no participating Village permits of any type may be issued for the building or structure in question, or for any other portion of a development of which the building or structure in question is a part, until impact fees are paid. The Village may bring any action permitted by law or equity to collect unpaid fees.
5. The person applying for the issuance of a building permit may opt to submit evidence indicating that the fees set out in subsection 1 above are not applicable to the particular development. Based upon convincing and competent evidence, which shall be prepared and submitted in accordance with the Village Administrative Manual, the Village Council may reduce the fee, up to a maximum of 20 percent, if it is demonstrated it is appropriate for the particular development. The adjustment may include a credit of 25 percent for private recreational facilities provided to the development by the feepayer if the private recreational facilities serve the same purposes and functions as set forth in the comprehensive plan for recreation and open space.
6. The impact fee schedule set forth in Table 8-103.C: Park Impact Fee Schedule shall be updated periodically as necessary.

D. Payment

1. The feepayer shall pay the park impact fee required by this section to the Building Official prior to the issuance of the building permit for which the fee is imposed, except as provided in subsections A above and I below. No building permit shall be issued by the Building Official until the impact fee is paid, except as provided in subsections A above and I below.
2. In-lieu of cash, up to 100 percent of the park impact fee may be paid with credits created in accordance with the provisions of subsection I below.
3. All funds collected in accordance with this section shall be promptly transferred for deposit into the park impact fee trust fund to be held as determined in subsection F below and used solely for the purposes specified in this section.

E. Benefit District Established

For purposes of this section, there is hereby established a single Village-wide park impact fee benefit district which is coterminous with the Village boundaries.

F. Trust Fund Account

1. There is hereby established a park impact fee trust fund account for the park impact fee benefit district established in subsection E above.
2. Funds withdrawn from this account shall be used in accordance with the provisions of subsection G below.

G. Use of Funds

1. Funds collected from park impact fees shall be used for the purpose of capital improvements for Village parks. Park impact fee collections, including any interest earned thereon, less administrative costs retained in accordance with paragraph 3 below, shall be used exclusively for capital improvements for parks. These impact fee funds shall be segregated from other funds and be expended in the order in which they are collected. Funds may be used or pledged in the course of bonding or other lawful financing techniques, so long as the proceeds raised are used for the purpose of capital improvements for parks. If these funds or pledge of funds are combined with other revenue sources in a dual or multipurpose bond issue or other revenue-raising device, the proceeds raised thereby shall be divided and segregated such that the amount of the proceeds reserved for park purposes bears the same ratio to the total funds collected that the park impact fee funds used or pledged bear to the total funds used or pledged.
2. Each fiscal period the Manager shall present to the Village Council a proposed capital improvement program for parks, assigning funds, including any accrued interest, from the park impact fee trust funds to specific park projects. Monies, including any accrued interest, not assigned in any fiscal period, shall be retained in the park impact fee trust fund until the next fiscal period, except as provided by the refund provisions of this section.
3. The Village is entitled to charge and collect an amount equal to up to three percent of the park impact fees it collects in cash, or by a combination of cash and credits, as an administrative fee, to offset the costs of administering this section. This administrative charge is in addition to the impact fee amount required by this section and is not required to be used for purposes of capital improvements. The applicant is responsible for payment of the administrative fee in conjunction with the payment of impact fees at the time a building permit is issued.

H. Refund of Fees Paid

1. If a building permit expires, is revoked or voluntarily surrendered, and therefore voided, and no construction or improvement of land (including moving a mobile home onto land) has commenced, then the feepayer is entitled to a refund of the park impact fee paid in cash as a condition for its issuance, except up to three percent of the impact fee paid, which shall be retained as an administrative fee to offset the costs of processing the refund. This administrative fee is in addition to the administrative charge collected at the time of fee payment. No interest shall be paid to the feepayer on refunds due to noncommencement.
2. Funds not expended or encumbered by the end of the calendar quarter immediately following ten years from the date the park impact fee was paid shall, upon application of the feepayer within 180 days of that date, be returned to the feepayer with interest at the rate of three percent per annum.

I. Credits

1. General

Credits are subject to the following:

A. Private Recreational Facilities

No credit shall be given for private recreational facilities, except in accordance with an application prepared and accepted in accordance with Sec. 8-103.C.5.

B. Capital Improvements to Parks

1. All other capital improvements for parks may generate park impact fee credits in amounts to be established in accordance with subsection 2 below. The determination of whether a capital improvement shall be approved for credit purposes lies exclusively with the Village Council unless otherwise provided in an appropriate interlocal agreement, or unless the improvement is required under a participating state or county development or zoning approval, in which case credits shall be given to the extent required by law.
2. A request submitted for park construction shall include cost estimates prepared by qualified professionals to be used by the Manager or a designee in determining the amount of the credit the Manager or a designee recommends for approval to the Village Council.

C. Land Dedication Credit

1. A request submitted for a land dedication credit shall include the following:
 - (a) A survey of the land to be dedicated, certified by a professional land surveyor or a registered land surveyor, each of whom are licensed in the state of Florida;
 - (b) A specimen of the deed that will be used to convey title to the appropriate governmental body;
 - (c) An ALTA Form B title insurance policy in an amount equal to the approved value of the credits to be issued, by a company satisfactory to the Village Land Use Attorney and verifying that the proffered deed will convey unencumbered fee simple title to the appropriate governmental body;
 - (d) Property appraisals prepared by qualified professionals;
 - (e) A document from the Lee County Tax Collector stating the current status of the property taxes; and
 - (f) An affidavit of interest in real property in accordance with Sec. 286.23, Fla Stat. The affidavit shall certify to the Village the name and address of every person having a beneficial interest in the real property, however small or minimal. The disclosure affidavit shall specifically identify the property to be conveyed and be sworn before a notary.
2. These submittals shall be reviewed by the Manager or a designee in making a recommendation to the Village Council.
3. Except where a dedication is made in accordance with a condition of development or zoning approval or permit, appraisers shall value the land at its then-current zoning without any enhanced value that could be attributed to improvements on adjacent lands. If the land in question is subject to a valid agreement, development approval, or permit prescribing a different valuation, the agreement, zoning approval, or development order will control. If the dedication is made in accordance with a condition of zoning approval and is not a site-related improvement, and the condition does not prescribe otherwise, then the land value will be based upon the zoning of the land as it existed prior to the zoning approval containing the condition of dedication. However, the Manager or a designee retains the right to independently determine the amount of credit to be recommended by securing other engineering and construction cost estimates or property appraisals for those improvements of land dedications. In every case, park impact fee credits shall be calculated to conform with Sec. 380.06(5), Fla Stat.

D. *Timing of Credit Issuance*

Credits for construction will be created when the construction is completed and accepted by the Village, recorded in the official records of Lee County, and accepted for maintenance, or when the feepayer posts security, as provided in this subsection, for the costs of such construction. Security in the form of cash, a performance bond, irrevocable letter of credit, or escrow agreement shall be posted with the Village Council and made payable to the Village in an amount approved by the Manager or a designee equal to 110 percent of the full cost of such construction. If the park construction project will not be constructed within one year of the acceptance of the offer by the Village, the amount of the security shall be increased by ten percent, compounded for each year of the life of the security. The security shall be reviewed and approved by the Village Land Use Attorney prior to acceptance of the security by the Village.

E. *Transferability*

Park impact fee credits may be used to pay or otherwise offset park impact fees required by this section. They may be transferred, sold, assigned, or conveyed from one development or parcel to another that is within the same park impact fee benefit district, or to an adjoining benefit district in the Village (if one exists) if the development or parcel receiving the transfer receives benefits from the improvement or contribution that resulted in the credit (also see Village Administrative Manual). Unless a longer period is specifically authorized by the Village Council, transferable credits shall be used within ten years of the date they are created. The creation date is the date the instruments conveying legal title to the land or improvements given in exchange for credits were recorded in the Lee County official record book. Credits not used within ten years of issue shall expire.

F. *Withdrawal*

Any person who offers land or improvements in exchange for credits may withdraw the offer of dedication at any time prior to the transfer of legal title to the land or improvements in question, and pay the full park impact fees required by this section.

G. *Prepayment*

If required or specifically permitted by the terms of a development order adopted pursuant to Ch. 380, Fla Stat., or by an agreement made by the Village in accordance with its home rule powers granted by Art. VIII of the Fla. Const. and Sec. 166.021, Fla Stat., or by a development agreement made in accordance with Secs 163.3220 - 163.3243, Fla Stat., and any ordinance adopted under the enabling authority thereof, any person who desires to prepay park impact fees may do so by delivering a certified check or cashier's check to the Director with a letter identifying the amount of park impact fees prepaid, and receive a credit or credits equal to such prepayment subject to the express terms of such development order, agreement, or development agreement.

2. *Documentation Required*

Feepayers claiming credits shall submit documentation sufficient to permit the Director to determine whether such credits claimed are due and, if so, the amount of such credits.

3. *Timing of Credits Required to Be Claimed*

Exemptions or credits shall be claimed by the feepayer before the issuance of a building permit.

J. *Appeals*

Any decision made by the Director in the course of administering this section may be appealed to the Village Council in accordance with Sec. 2-506.D, Appeal of Administrative Official Decision.

K. *Enforcement*

1. A violation of this section may be enforced in accordance with the adopted code enforcement procedures (Ordinance 2015-14).
2. Knowingly furnishing false information to the Manager or a designee, the Director, or any other Village official who is charged with the administration of this section on any matter relating to the administration of this section constitutes a violation of this section.

8-104. COLLECTION OF ADDITIONAL IMPACT FEES

The Village is authorized to collect fire protection, emergency medical services, and school impact fees imposed by Lee County in accordance with state law; Chapter 2, Article VI of the Lee County Land Development Code; and interlocal agreements entered into with Lee County.

SECTION 8-2. CONCURRENCY MANAGEMENT

8-201. PURPOSE AND INTENT

The purpose and intent of this section is to implement the comprehensive plan by ensuring that the public facilities needed to support development are available concurrent with the impacts of such development by providing that certain public facilities and services meet or exceed the standards established in the capital improvements element (CIE) in the comprehensive plan, and are available when needed for the development, while protecting vested rights as required by state law.

8-202. APPLICABILITY

A. General

Unless exempted by subsection B below or vested by subsection C below, proposed development shall receive approval of a certificate of concurrency for the following public facilities in accordance with the requirements of this section, before approval of a development order, limited development order, plat, or building permit, as appropriate:

1. Potable water facilities;
2. Sanitary sewer facilities;
3. Solid waste disposal facilities;
4. Surface water management; and
5. Public schools.

B. Exemptions

1. The following development is exempt from the requirements of this section:
 - A. A development permit approved in accordance with a development order issued under Secs. 380.06 and 380.061, Fla. Stat., in which the DRI development order separately provides for concurrency compliance and analysis;
 - B. A development permit approved in accordance with a development agreement, where the development agreement makes separate provision for concurrency and analysis;
 - C. A single-family dwelling;
 - D. A two-family dwelling;
 - E. An accessory use;
 - F. Recreational facilities for residential development, including but not limited to swimming pools, tennis courts, and similar uses;
 - G. Commercial interior remodeling which is not for the purposes of changing use and does not increase floor area;
 - H. Minor utilities;
 - I. Seawalls or docks;
 - J. Signs; and
 - K. Public transit facilities.
2. In addition, the following development is exempt from the school concurrency requirements of this section:
 - A. Single-family lots that received final plat approval from Lee County prior to August 26, 2008.
 - B. Multi-family residential development that received a final development order and a concurrency certificate from Lee County prior to August 26, 2008.

- C. Amendments to existing residential development approvals that do not increase the number of residential units or change the type of residential units proposed.
- D. Other residential uses that do not generate school age children, such as licensed adult living facilities or age-restricted residential developments prohibiting persons under the age of 18 from residing there as permanent residents through recorded covenants and restrictions that cannot be amended for a period of 30 years.
- E. DRIs approved in accordance with Ch. 380, Fla Stat., prior to [redacted] [insert effective date of this LDC], but only as to the number of residential units authorized in the DRI development order.

C. Vested Rights

The following development is vested and exempt from the requirements of this section.

1. A development approved as a DRI prior to March 1, 1989, is vested to complete the development in accordance with the specific provisions of the development order, including mitigation of all impacts, without having to comply with the requirements of this section. The vested status of a DRI development order will terminate on the expiration date of the DRI development order. (This does not exempt a developer from submission of project data required by the Director, since project data assists the Village in monitoring impacts on infrastructure as development occurs.) If the DRI is amended, it is subject to all concurrency requirements of this section on those portions of the development changed by the amendment, except if the amendment results in a reduction of anticipated impacts on public facilities, the Director may find the proposed amendment does not impair the overall vested status of the development.
2. A development that has received a development order from Lee County subsequent to March 1, 1989, shall comply with the terms and conditions of the concurrency requirements in the DRI approval. If the development is amended, it is subject to all concurrency requirements of this section on those portions of the development changed by the amendment, except if the amendment results in a reduction of anticipated impacts on public facilities, the Director may find the proposed amendment does not impair the overall vested status of the development.

8-203. CERTIFICATE OF CONCURRENCY

A. General

Proposed development subject to the requirements of this section shall receive approval of a certificate of concurrency in accordance with this Section 8-2, Concurrency Management, before approval of a development order, limited development order, plat, or building permit, as appropriate.

B. Procedure

1. After submission of an application for a certificate of concurrency in a form established by the Director, and payment of the application fee established by the Village Council, the Director shall review the application and make a decision.
2. In reviewing the application, the Director shall consider the impact the development will have on potable water, sanitary sewer, surface water management, solid waste disposal facilities, and public schools. As part of this review, the Director should consider the type and intensity of the use of the proposed development in relation to the demands the use can reasonably be expected to make on these facilities, and the times when the demand can reasonably be expected to occur during the course of the development. When measuring the expected impacts of a development, the Director will include only the impacts of permanent and continuing infrastructure demands of the development. The Director should disregard temporary impacts such as fire flow tests. The Director may rely upon studies, measurements, or calculations prepared by qualified professionals, or upon generally accepted guidelines, rules, formulas, studies, or other theories developed by professional experts working or publishing in the field of inquiry, or upon relevant historical trends or experiences, or upon related rules and standards adopted by other governmental agencies, or upon any combination of these sources. The burden of disproving the accuracy of the Director's determination lies with the applicant or the applicant's representative.
3. Once the Director has considered the impacts of a proposed development in accordance with subsection B2 above, the Director will determine whether there will be sufficient capacity for these public facilities to serve the development at the time the impacts of the development will occur in

accordance with Sec. 8-203.C, Concurrency Standards, without causing these facilities and services to function at a level of service below the minimum regulatory levels established for these facilities in the comprehensive plan.

4. If the Director determines the proposed development complies with Sec. 8-203.C, Concurrency Standards, the Director shall certify that conclusion by a written statement. The written statement will identify the development in question and the development permit for which the certification is made. The Director's statement constitutes the certificate of concurrency and is limited to the exact development permit application for which the certificate is approved.
5. If the Director determines the application fails to comply with the standards in Sec. 8-203.C, Concurrency Standards, the Director shall issue a finding that the proposed development will meet concurrency requirements if it is conditioned on the provision of specific facilities and services to serve the development which shall be in place when the impacts of the proposed development occur. When no solution can be identified to provide for the additional facility capacity required, a certificate of concurrency shall be approved that limits the amount of development that can be constructed (so the LOS standards will not be exceeded), or the application will be denied. If the Director approves a certificate that limits the amount of development that may proceed, no additional development may proceed unless and until additional public facilities to serve the development are put in place that ensure applicable level of service standards are not exceeded. If a certificate is approved subject to conditions, the conditions shall identify the minimum additions to the then-existing facilities that shall be built and operating, in addition to planned facilities that shall be constructed before further development shall occur.
6. If a developer proposes to develop in stages or phases so that facilities and services needed for each phase will be available in accordance with the standards set forth in this subsection, the Director may issue a certificate with conditions that establish related periods of time when additional development may occur if additional facilities identified by the Director are constructed.
7. A certificate subject to conditions may also be approved where the proposed development will comply with Sec. 8-203.C, Concurrency Standards, if certain documents not submitted with the initial application are subsequently delivered to the Director, or the proposed development permit is subject to the review of other Village, county, or state agencies.
8. A certificate of concurrency shall be valid for a period of three years from the date of approval of the certificate or for the remaining duration of the development permit with which it is issued, whichever is less, except a building permit issued based upon a valid certificate of concurrency shall be valid for the remaining duration of the building permit, so long as the building permit is applied for while the certificate is valid, the permit application is substantially complete, and the building permit is ultimately issued in the ordinary course. If a building permit is not issued within six months of the expiration date of the applicable certificate, a rebuttable presumption arises that the building permit has not been issued within the ordinary course as that term is used in this subsection.
9. Amendments to a certificate of concurrency shall be reviewed and decided consistent with the provisions for its original approval.

C. Concurrency Standards

A certificate of concurrency shall be granted only where the Director, with the assistance of appropriate Village staff, finds that all of the following standards are met by the applicant.

1. Potable Water, Sanitary Sewer, and Solid Waste Facilities

The proposed development complies with the level of service standards for potable water, sanitary sewer, and solid waste disposal facilities in the comprehensive plan. In determining if potable water, sanitary sewer, or solid waste disposal facilities comply with the level of service standards in the comprehensive plan, the Director shall include the capacity of all facilities as they exist at the time the development permit will be issued, plus other facilities that are guaranteed in an enforceable development agreement (in accordance with either Sec. 163.3220, Fla. Stat. or Ch. 380, Fla. Stat.).

- A. Potable water supply and treatment capacity shall be based on the number of equivalent residential connections of the utility that will provide service to the development. The pressure

- in the distribution system shall be measured at the point where the service enters the development or at the point from which the service will be extended.
- B. Sanitary sewer treatment and disposal capacity shall be based on the number of equivalent residential connections of the utility that will provide service to the development. The capacity of the collection system shall be measured at the point where the service enters the development or at the point from which the service will be extended.
 - C. The capacity of the solid waste disposal facility shall be measured in pounds (or equivalent volume) and applied countywide.
- 2. *Surface Water Management Facilities***
- The proposed development complies with the level of service standards for surface water management facilities in the comprehensive plan. In determining if stormwater management facilities comply with the level of service standards in the comprehensive plan, the Director shall rely upon the reviews performed by FDEP and SFWMD. Runoff shall be measured at the points of discharge into an ultimate positive outfall beyond the outer edge of the development or at the nearest natural outfall. The adequacy of a surface water management system shall be conclusively demonstrated upon the issuance of a surface water construction and operating permit by SFWMD.
- 3. *Public School Facilities***
- A. The proposed development complies with the level of service standard for public school facilities in the comprehensive plan. In determining if school facilities comply with the level of service standards in the comprehensive plan, the School Board of Lee County shall compile a school concurrency inventory report annually. The School Board shall inventory current school capacity and current occupancy by school type and by concurrency service area. Existing capacity shall be adjusted by adding the expected capacity increase from new or expanded planned school facilities for the next three years in accordance with the adopted School Board Capital Improvements Program. Current occupancy shall then be subtracted from existing and expected capacity to calculate the available capacity by school type by concurrency service area. The School Board shall transmit the school concurrency inventory to the Village. Upon its receipt, the Village shall determine whether there is adequate school capacity based on the level of service standard in the comprehensive plan.
 - B. If the concurrency report reflects there is not adequate capacity available in the concurrency service area for schools, mitigation options may be explored by proposed development that cannot comply with school concurrency. Mitigation options may include, but are not limited to:
 - 1. The donation of land or funding of land acquisition or construction of a public school facility sufficient to offset the demand for public school facilities created by the proposed development (except relocatable classrooms shall not be accepted as mitigation); and,
 - 2. Establishment of a charter school with facilities constructed in accordance with the state requirements for educational facilities (SREF) on a site that meets the minimum acreage provided in SREF, subject to guarantees that the facility will be conveyed to the School Board of Lee County at no cost to the Board if the charter school ceases to operate.
 - C. Proposed mitigation shall be directed towards a permanent school capacity improvement identified in the School Board's financially feasible work program, which satisfies the demands created by the proposed development. If mitigation can be agreed upon, the Village and the School Board shall enter into an enforceable binding development agreement with the developer.

8-204. APPEALS

An applicant may appeal the Director's decision in administering this section to the Village Council in accordance with Sec. 2-506.D, Appeal of Administrative Official Decision.

8-205. REVOCATION OF CERTIFICATE OF CONCURRENCY

The Director may revoke a certificate of concurrency for cause, where a certificate has been issued based on substantially inaccurate information supplied by the applicant, or where revocation of the certificate is essential to the health, safety, or welfare of the public.

8-206. FURNISHING FALSE INFORMATION

Knowingly furnishing false information to the Director, or any Village Official, on matters relating to the administration of this section constitutes a violation of this LDC.

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CHAPTER 9. NONCONFORMITIES

SECTION 9-1. PURPOSE

The provisions of this LDC have caused or will cause some uses, structures or buildings, lots, or uses of lots, structures or buildings, to be nonconforming. It is the purpose of this chapter to set forth the rules and regulations regarding those nonconforming uses, structures or buildings, or lots which were created by the adoption of this LDC, and any amendment thereto. Nothing contained in this chapter is intended to preclude the enforcement of federal, state, and other local regulations that may be applicable.

SECTION 9-2. NONCONFORMING USE OF LAND

9-201. NONCONFORMING USE OF LAND DEFINED

For purposes of this LDC, the term “nonconforming use” means a use or activity which was lawful prior to the adoption of this LDC or an amendment of this LDC, but which fails, by reason of such adoption or amendment, to conform to the use requirements of the zoning district in which it is located.

9-202. GENERAL

A nonconforming use of land may be continued subject to the provisions of this subsection.

9-203. ENLARGEMENT OR REPLACEMENT

A nonconforming use of land may not be enlarged in area, or replaced by another use that is not specifically permitted in the applicable zoning district.

9-204. DISCONTINUANCE

Land used in whole or in part for a nonconforming use, which use is subsequently discontinued for a continuous period of six calendar months, shall not again be used except in conformity with the regulations then in effect. The intent of the owner, lessee, or other user is not relevant in determining whether the use has been discontinued.

9-205. ERECTION OF ADDITIONAL STRUCTURES

An additional structure that does not conform to the requirements of this LDC shall not be erected in connection with a nonconforming use of land.

SECTION 9-3. NONCONFORMING BUILDINGS AND USE OF BUILDINGS

9-301. NONCONFORMING BUILDINGS OR STRUCTURE DEFINED

For purposes of this LDC, the term “nonconforming building or structure” means a building or structure which was lawful prior to the adoption of this LDC or an amendment of this LDC, but which fails, by reason of such adoption or amendment, to conform to the proper development requirements of the zoning district in which the building or structure is located due to its size, dimension, or location on the lot.

9-302. CONTINUANCE OF NONCONFORMING BUILDING OR STRUCTURE

A nonconforming building or structure may be continued so long as it remains otherwise lawful, in accordance with the following provisions:

- A. Except as provided in Sec. 9-303, Enlargement or Expansion of Nonconforming Structure, no building or structure shall be enlarged, altered, or repaired in a way which, in the opinion of the Director, increases its nonconformity. However, any structure or building or portion thereof may be altered to decrease its nonconformity. If there is more than one structure on a property with a legally nonconforming use, a limited expansion may be allowed subject to there being a determination that there will be an improvement to neighborhood compatibility. The limited expansion shall be to allow a structure or portion of a structure to be destroyed and the equivalent square footage replaced by expansion of another existing structure if the Director makes a determination that such expansion would not be detrimental to the neighborhood and such expansion is less than 50 percent of the current assessed value of the structure which will be expanded. Any expansion shall also conform to setback requirements and all other requirements for the zoning district in which the land is located.
- B. Except as provided in this subsection, any nonconforming structure or building, or portion thereof, that is substantially improved (reconstructed, rehabilitated, altered, or demolished) to the extent that the cost of such improvement equals or exceeds a cumulative total of 50 percent of the current assessed value of the structure before the start of construction of the improvement, shall only be reconstructed at, but not exceed, the lawful density or intensity existing at the time of destruction; provided, however, that the reconstruction of the structure is consistent with federal, state, and Village regulations and all the other provisions of this LDC. Any such alteration, demolition, reconstruction, or rebuilding shall be recorded with the Director for the purpose of establishing the value upon which subsequent alterations, demolition, reconstructions, or rehabilitations will be based.

9-303. ENLARGEMENT OR EXPANSION OF NONCONFORMING STRUCTURE

- A. A structure which is lawful in all respects with the exception of a setback requirement may be enlarged, provided that:
 - 1. The enlargement is otherwise permitted; and
 - 2. The enlargement itself, including any enlargement which increases the height or volume of the structure, complies with all the setback requirements.
- B. A structure which is lawful in all respects with the exception of lot area requirements may be enlarged, provided that:
 - 1. The enlargement is otherwise permitted;
 - 2. All other development standards such as setbacks, height, bulk, lot coverage, parking, and open space are met; and
 - 3. The enlargement does not increase the density or intensity of use.
- C. A structure which is lawful in all respects with the exception of height may be enlarged, provided that:
 - 1. The enlargement is otherwise permitted; and
 - 2. The enlargement complies with height and setback requirements.
- D. A structure which is lawful in all respects with the exception of bulk or lot coverage shall not be enlarged.

9-304. STRUCTURES DAMAGED BY FIRE OR OTHER NATURAL FORCES

- A. Structures damaged by fire or other natural forces to the extent that the cost of their reconstruction or repair exceeds 50 percent of the replacement cost of the structure may be reconstructed at, but not to exceed, the legally documented actual use, density, and intensity existing at the time of destruction, thereby allowing such structures to be rebuilt or replaced to the size, style, and type of their original construction, including their original square footage; provided, however, that the affected structure, as rebuilt or replaced, complies with all applicable federal and state regulations, Village building and life safety regulations, and other local regulations that do not preclude reconstruction.
- B. A lawfully existing single-family dwelling or mobile home damaged by fire or other natural forces may be repaired or replaced, provided the new unit is no larger in area, width, and depth than the size of unit being replaced.

9-305. REPAIRS, RECONSTRUCTION, OR RENEWAL OF EXISTING STRUCTURE OR BUILDING

Repairs, reconstruction, or renewal of an existing structure, building, or portion thereof for the purpose of its maintenance may be permitted. However, repairs, reconstruction, or renewal of structural elements shall be reviewed by the Director to determine applicability under this subsection, or whether such repairs shall be considered under Sec. 9-304.A above. For purposes of this subsection, a change in the roofline from a flat roof to a peaked roof constitutes an alteration as indicated in Sec. 9-304.A above, provided that there is no increase in floor area.

9-306. MOVING NONCONFORMING STRUCTURE ON SITE

Should a nonconforming structure be moved on-site for any reason, for any distance whatever, it shall not be moved unless the relocation decreases the nonconformity.

9-307. NONCONFORMING STRUCTURE THAT BECOMES PHYSICALLY UNSAFE OR UNLAWFUL DUE TO LACK OF REPAIR AND MAINTENANCE

Any portion of a nonconforming structure that becomes physically unsafe or unlawful due to lack of repairs and maintenance, and which is declared unsafe or unlawful by a duly authorized Village official, but which the owner wishes to repair, restore, or rebuild, shall be repaired, restored, or rebuilt in conformance with the provisions of this LDC. Excluded from this provision are buildings that are designated as historic by the LDC.

9-308. DEVELOPMENT APPLICATIONS ON WHICH A NONCONFORMING STRUCTURE EXISTS

Development order approvals, including amendments to existing or approved development orders, must be consistent with the comprehensive plan provisions (except as identified in Sec. 9-304), and approved zoning actions applicable to the subject property at the time the approvals are issued. Existing nonconforming structures on the property subject to the development order application must be brought into compliance with current Village regulations and approved zoning actions as a condition of the development order approval. The development order condition must provide that the nonconforming structure will either be removed or brought into compliance prior to the issuance of a certificate of compliance.

SECTION 9-4. NONCONFORMING USES OF BUILDINGS

9-401. ENLARGEMENT OR REPLACEMENT

No such nonconforming use of a building, or building and land in combination, shall be extended or enlarged, or replaced by another building or use not specifically permitted in the use regulations for the zoning district in which the building is located.

9-402. DISCONTINUANCE

When a nonconforming use of a building, land, or building and land in combination is discontinued or abandoned for six consecutive months (except when government action impedes access to the land), the building, or building and land in combination, shall not thereafter be used except in conformance with the regulations of the zoning district in which it is located. This subsection shall not apply to seasonal agricultural uses.

9-403. REPAIR AND MAINTENANCE

A. Only ordinary repairs and maintenance, including repair or replacement of roof covering, walls, fixtures, wiring, or plumbing, shall be permitted on any building or structure devoted to a nonconforming use. In no case shall such repairs include structural alterations.

- B. If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations for the zoning district in which it is located.

SECTION 9-5. NONCONFORMING LOTS

9-501. NONCONFORMING LOT DEFINED

For purposes of this LDC, the term “nonconforming or substandard lot” means a lot of which the area, dimension, or location was lawful prior to the adoption of this LDC or an amendment of this LDC, but which fails by reason of such adoption or amendment to conform to the requirements for the zoning district in which the lot is located.

9-502. LOT OF RECORD DEFINED; GENERAL DEVELOPMENT STANDARDS

- A. For the purposes of this subsection only, a lot of record is a lot which conformed to the minimum lot size for the use permitted for that lot in the zoning district in which it is located at the time that the lot was created, but which lot fails to conform to the minimum lot size requirements which are established by this LDC.
- B. For the purpose of this subsection, a lot is created on such date that one of the following conditions occur:
 - 1. The date that a deed for the lot is lawfully recorded in the public records of Lee County;
 - 2. The date that a subdivision plat is lawfully recorded in the public records of Lee County, if the lot is a part of the subdivision;
 - 3. The date that a development order or site plan for a development was approved by the Lee County Board of County Commissioners prior to December 31, 2014, or by the Village Council thereafter, pursuant to resolution, as long as the development subsequently recorded a subdivision plat that has been approved by the Lee Board of County Commissioners or the Village Council, as appropriate, in the public records of the County, if the lot is a part of the subdivision; or
- C. Lots of record may be developed subject to the following provisions:
 - 1. All other regulations of this LDC shall be met.
 - 2. No division of any parcel is permitted which creates a lot with width, depth, or area below the minimum requirements in this LDC, provided that abutting lots of record may be combined and re-divided to create larger dimension lots as long as such re-combination includes all parts of all lots, existing allowable density is not increased, and all setback requirements are met.
 - 3. For mobile home or recreational vehicle lots of record, the following shall also apply:
 - A. All mobile homes or recreational vehicles, including any attachments, shall be placed at least five feet from any body of water or waterway.
 - B. All mobile homes or recreational vehicles shall have a minimum separation of ten feet between units (body to body) and appurtenances thereto. Each unit is permitted to have eaves which encroach no more than one foot into the ten-foot separation.
 - C. Sites or lots located within a park shall not be reconfigured or reduced in dimension so as to increase the density for which the park was originally created.
 - D. The burden of proof that the lot is legally nonconforming, and lawfully existed at the specified date, shall be with the owner.

9-503. CONSTRUCTION OF SINGLE-FAMILY DWELLING

- A. A single-family residence may be constructed on a nonconforming lot of record that does comply with the density requirements of the comprehensive plan, as long as the lot:
 - 1. Was lawfully created prior to June 1962 and the following conditions are met:

- A. Lots existing in the AG zoning district require a minimum width of 75 feet, a minimum depth of 100 feet, and a lot area not less than 7,500 square feet.
 - B. Lots existing in any other zoning district which permits the construction of single-family residence require a minimum of 40 feet in width and 75 feet in depth, and a lot area not less than 4,000 square feet.
2. Is part of a plat approved by the Village Council, or the Lee County Board of County Commissioners before Village incorporation and lawfully recorded in the public records of the Village or County after June 1962.
- B. Notwithstanding any other provision of this LDC, any entity owning property or entering or participating in a contract for purchase agreement of property, which property is not in compliance with the standard density requirements of the comprehensive plan, will be allowed to construct one single-family residence on said property, provided that:
1. *Date Created*
 - A. The lot or parcel must have been created and recorded in the official Plat Books of Lee County prior to December 21, 1984, and the configuration of said lot has not been altered;
 - B. A legal description of the lot or parcel was lawfully recorded in the Official Record books of the Clerk of Circuit County prior to December 21, 1984; or
 - C. The lot was lawfully created after December 21, 1984, and the lot area was created in compliance with the Lee Plan as it existed at that time.
 2. *Minimum Lot Requirements*

In addition to meeting the requirements set forth above, the lot or parcel must:

 - A. Have a minimum of 4,000 square feet of area if it was created prior to June 27, 1962;
 - B. Have a width of not less than 50 feet and an area of not less than 5,000 square feet if part of a subdivision recorded in the official Plat Books of Lee County after June 27, 1962, and prior to December 21, 1984;
 - C. Have a minimum of 7,500 square feet in area if it was created on or after June 27, 1962, and prior to December 21, 1984, if not part of a subdivision recorded in the official Plat Books of Lee County;
 - D. Have been in conformance with the zoning regulations in effect at the time the lot or parcel was recorded if it was created after December 21, 1984; or
 - E. Have been approved as part of a Planned Unit Development or Planned Development.
 3. *Access and Drainage*
 - A. In addition to meeting the requirements set forth above:
 1. The road that the lot or parcel fronts on must have been constructed and the lot must be served by drainage swales or equivalent drainage measures. The road must have, at a minimum, a graded surface of shell, mark, gravel base rock, or other compacted fill material, suitable for year-round use; or
 2. The lot or parcel must be located within a subdivision which was approved under Ch. 177, Fla. Stat., as long as the subdivision improvements have been made or security for their completion has been posted by the subdivider.
 - B. If the lot or parcel cannot meet the requirement of access and drainage, this requirement will not apply to the extent that it may result in an unconstitutional taking of land without due process.

9-504. PLACEMENT OF MOBILE HOME OR RECREATIONAL VEHICLE ON LOT

- A. A single-family mobile home or a recreational vehicle may be placed on a lot of record, which lot is located within a mobile home or recreational vehicle park, as applicable, provided, however, that the park was properly zoned or approved by special permit for mobile home or recreational vehicle use, and provided further that minimum requirements as set forth in this subsection were met at the time the lot was created. These requirements are as follows:
 1. For lots of record created prior to the effective date of Lee County's 1962 zoning regulations:

- A. The minimum lot area per unit shall be not less than 1,200 square feet; and
- B. There shall be a minimum of ten feet between units.
2. For lots of record created after the effective date of the Lee County's 1962 zoning regulations but prior to the effective date of the County's 1968 zoning regulations:
 - A. The minimum lot area per unit shall be not less than 2,800 square feet;
 - B. The minimum lot width shall be 40 feet; and
 - C. The minimum setbacks from all lot lines shall be five feet, and between units or appurtenances thereto they shall be ten feet.
3. For lots of record created after the effective date of Lee County's 1968 zoning regulations but prior to the effective date of the county's 1973 zoning regulations:
 - A. Minimum lot areas shall be:
 1. For mobile homes on central sewer, 3,750 square feet;
 2. For mobile homes on individual septic systems, 7,500 square feet; and
 3. For recreational vehicles, 1,200 square feet.
 - B. From a street right-of-way, ten feet;
 - C. From a rear lot line, ten feet;
 - D. From side lot lines, five feet or a minimum of ten feet between units; and
 - E. From the park perimeter, 15 feet.
- B. For lots of record created after the effective date of Lee County's 1973 zoning regulations but prior to the effective date of the county's 1978 zoning regulations:
 1. Minimum lot areas shall be:
 - A. For mobile homes on central sewer, 4,000 square feet; and
 - B. For recreational vehicles on approved septic systems, 1,200 square feet.
 2. Minimum setbacks for both mobile homes and recreational vehicles shall be:
 - A. From a street right-of-way, ten feet;
 - B. From a rear lot line, ten feet;
 - C. From side lot lines, five feet or a minimum of ten feet between units; and
 - D. From the park perimeter, 15 feet.
- C. For lots of record created after the effective date of Lee County's 1978 zoning regulations but prior to the effective date of this LDC:
 1. Minimum lot areas shall be:
 - A. In the MH-1 district, 7,500 square feet;
 - B. In the MH-2 district, 5,000 square feet;
 - C. In the MH-3 district, 21,000 square feet;
 - D. In the MH-4 district, 40,000 square feet; and
 - E. In the RV district, 2,000 square feet.
 2. Minimum setbacks shall be as set forth in the Lee County 1978 zoning regulations.
- D. (A) through (E), above, do not limit the regulation of uniform fire safety standards established by the Village.

SECTION 9-6. NONCONFORMING SCREENING AND BUFFERING

9-601. DISCONTINUANCE

Parcels with nonconforming screening or buffers shall come into compliance with the minimum buffer requirements of this LDC when the use of the parcel is discontinued for a period of six calendar months.

9-602. EXPANSION OR PRIOR TO ISSUANCE OF A DEVELOPMENT ORDER OR LIMITED DEVELOPMENT ORDER

Parcels with nonconforming screening or buffers shall come into compliance with the minimum buffer requirements and architectural standards of this LDC when the use or structure is expanded.

9-603. NORMAL REPAIRS AND MAINTENANCE DO NOT TRIGGER COMPLIANCE

Issuance of development permits for normal repairs and maintenance of structures, including, but not limited to, repair or replacement of roof covering, structural walls, fixtures, wiring or plumbing, shall not trigger compliance with the minimum buffer requirements.

SECTION 9-7. NONCONFORMITIES CREATED BY EMINENT DOMAIN PROCEEDINGS OR VOLUNTARY DONATION OF LAND FOR PUBLIC PURPOSE

9-701. GENERAL

A structure, lot, or parcel of land that has been or will be rendered nonconforming as to area, width, depth, setbacks, lot coverage, or parking because of a taking through eminent domain proceedings, by the voluntary sale of a parcel of land under the threat of eminent domain proceedings by a governmental authority, or by the voluntary donation of land to a governmental authority, shall be deemed conforming only for the items affected by the eminent domain action.

9-702. ADMINISTRATIVE VARIANCE

An administrative variance procedure is available to address improved parcels or parcels with approved development orders that have been rendered nonconforming or have been rendered unable to comply with current regulations as to signs, required landscape buffers, and open space because of a taking through eminent domain proceedings, by the voluntary sale of a parcel of land under the threat of eminent domain proceedings by a governmental authority, or by the voluntary donation of land to a governmental authority.

SECTION 9-8. USES APPROVED BY SPECIAL EXCEPTION OR PERMIT

Uses approved by special exception or other permits which were issued or granted by the Lee County Board of County Commissioners before December 31, 2014, which do not comply with the requirements of this LDC or any amendments thereto, shall be considered to be nonconforming uses and subject to the provisions of this chapter.

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

SECTION 10-1. GENERAL RULES FOR CONSTRUCTION

The rules in this section shall apply for construing or interpreting the terms and provisions of this LDC.

10-101. MEANINGS AND INTENT

All provisions, terms, phrases, and expressions contained in this LDC shall be interpreted in accordance with the general purposes set forth in Section 1-3, General Purpose and Intent, and the specific purpose statements set forth throughout the LDC. When a specific section of the LDC gives a different meaning than the general definition provided in this chapter, the specific section's meaning and application of the term shall control.

10-102. HEADINGS, ILLUSTRATIONS, AND TEXT

In the event of a conflict or inconsistency between the text of this LDC and any heading, caption, figure, illustration, table, or map, the text shall control. Graphics and other illustrations are provided for informational purposes only and should not be relied upon as a complete and accurate description of all applicable regulations or requirements.

10-103. LISTS AND EXAMPLES

Unless otherwise specifically indicated, lists of items or examples that use terms like "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

10-104. COMPUTATION OF TIME

In computing any period of time prescribed or allowed, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday or legal holiday, in which event the period shall run until the end of the next day which is not a Saturday, Sunday or legal holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

- A. The term "day" means a calendar day, unless a business day is indicated.
 - B. The term "week" means seven calendar days.
 - C. The term "month" means a calendar month.
 - D. The term "year" means a calendar year unless otherwise indicated.
 - E. Whenever a person has the right or is required to do some act within a prescribed period of time following the service of a notice or other document through mailed delivery, three days shall be added to the prescribed period.
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10-105. REFERENCES TO OTHER REGULATIONS/PUBLICATIONS

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall mean a reference to the most recent edition of such regulation, resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.

10-106. DELEGATION OF AUTHORITY

Any act authorized by this LDC to be carried out by the Director may be delegated by the Director to a professional-level Village employee under the Director's authority or control.

10-107. PUBLIC OFFICIALS AND AGENCIES

All public officials, bodies, and agencies to which references are made are those of the Village of Estero, Florida, unless otherwise indicated.

10-108. MANDATORY AND DISCRETIONARY TERMS

The words “shall,” “must,” and “will” are mandatory, establishing an obligation or duty to comply with the particular provision. The words “may” and “should” are permissive.

10-109. CONJUNCTIONS

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

- A. “And” indicates that all connected items, conditions, provisions or events apply; and
 - B. “Or” indicates that one or more of the connected items, conditions, provisions, or events apply.
-

10-110. TENANT OR OCCUPANT

The terms “tenant” and “occupant,” as applied to a building or land, include any person holding a written or oral lease of or who occupies the whole or part of such building or land, either alone or with others.

10-111. USED FOR

The term “used for” includes the term “arranged for,” “designed for,” “maintained for” or “occupied for.”

10-112. TENSES AND PLURALS

Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.

10-113. TERM NOT DEFINED

If a term used in this LDC is not defined in this LDC, the Director is authorized to interpret its meaning in accordance with Sec. 2-507, Administrative Interpretation. Such interpreted meaning shall be based upon the definitions used in accepted sources—including, but not limited to, A Planners Dictionary, A Glossary of Zoning, Development, and Planning Terms, and A Survey of Zoning Definitions (all published by the American Planning Association), as well as general dictionaries such as Merriam-Webster, American Heritage, Webster’s New World, and New Oxford American dictionaries.

SECTION 10-2. GENERAL RULES FOR INTERPRETATION

10-201. INTERPRETATION OF DISTRICT BOUNDARIES

A. Uncertain Boundaries

When boundaries of districts of the Official Zoning Map are uncertain and require interpretation in accordance with Sec. 2-507, Administrative Interpretation, the following rules apply:

1. *Boundaries Following Centerlines*
Boundaries indicated as approximately following the centerlines of roads, highways, or alleys will be construed to follow such centerlines.
 2. *Boundaries Following Lot, Section or Tract Lines*
Boundaries indicated as approximately following lot lines, section lines, or tract lines will be construed as following such lot lines.
 3. *Boundaries Following Municipal Boundaries*
Boundaries indicated as approximately following Village boundaries will be construed as following such Village boundaries.
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4. *Boundaries Following Railroad Lines*

Boundaries indicated as approximately following railroad lines will be construed to be the centerline of the railroad right-of-way.

5. *Boundaries Following Waterways and Shorelines*

Boundaries indicated as approximately following the centerlines of streams, rivers, or canals will be construed to follow such centerlines.

6. *Parallel Lines*

Boundaries that are approximately parallel to the centerlines or road lines of roads, the centerlines or alley lines of alleys, or the centerline or right-of-way lines of highways, will be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such dimension will be determined by the use of the scale shown on the Official Zoning Map.

7. *Vacated Lands*

Where a public road, street, alley, or other form of right-of-way is officially vacated, the regulations applicable to the property to which the vacated lands attach will also apply to such vacated lands.

8. *Uncertainties*

Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in case any other uncertainty exists as to the proper location of district boundaries, the Director shall interpret the intent of the Official Zoning Map as to the proper location of the district boundaries.

B. *Split Lots*

When a lot is split by two or more zoning districts, the property development regulations for the largest proportional district prevails. However, permitted uses and accessory uses are restricted to the uses permitted in the respective districts.

10-202. INTERPRETATION OF UNLISTED USES

A. *Procedure for Interpreting Unlisted Uses*

The Director shall interpret in accordance with the procedures in Sec. 2-507, Administrative Interpretation, a particular principal use or accessory use or structure not expressly listed in a principal use table in the zoning districts (Chapter 3: Zoning Districts), as allowable in a particular zoning district based on the standards in Sec. 10-202.B, Standards for Interpreting Unlisted Principal Uses, or Sec. 10-202.C, Effect of Allowing Unlisted Uses as Permitted Use or Special Exception Use, as appropriate.

B. *Standards for Interpreting Unlisted Principal Uses*

The Director shall interpret an unlisted principal use as a permitted use or special exception use in a particular zoning district only after finding that the nature, function, and duration of the use and the impact of allowing it in the zoning district are so similar to those of a use that is allowed in the zoning district that the unlisted use should be deemed allowed in the same manner (i.e., as a permitted use or a special exception use) as the similar use, and subject to the same use specific standards. In making such interpretation, the Director shall consider the relevant characteristics of the unlisted use relevant to those of listed and defined uses described in this section, the purpose and intent statements in this LDC concerning the zoning district (see Chapter 3: Zoning Districts), and the character of uses allowable in the zoning district. The relevant characteristics of the unlisted use that should be considered in making this interpretation include, but are not limited to, the following:

1. Actual or projected characteristics of each activity likely to occur as part of the unlisted use;
2. The type, size, orientation, and nature of buildings, and structures devoted to each activity;
3. The number and density of employees and customers per unit area of site in relation to business hours and employment shifts;
4. Vehicles used and their parking requirements, including the ratio of the number of spaces required per unit area or activity;

5. Transportation demands, including the volume and frequency of trips generated to and from the site, the split of traffic volume among various means of transportation, and other characteristics of trips and traffic;
6. Relative amounts of sales from each activity;
7. The nature and location of storage and outdoor display of merchandise, whether enclosed, open, inside or outside the principal building, and the predominant types of items stored;
8. Customer type for each activity;
9. How the use is advertised, including signage;
10. The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation, and fumes;
11. Any special public utility requirements for serving the use, including but not limited to water supply, wastewater output, pre-treatment of wastes and emissions required or recommended, and any significant power structures and communications towers or facilities; and
12. The impact on adjacent lands created by the use, which should not be greater than that of other uses allowed in the zoning district.

C. Effect of Allowing Unlisted Uses as Permitted Use or Special Exception Use

On interpreting an unlisted use as allowed in a zoning district, and finding that the use or structure is likely to be common or would lead to confusion if it remains unlisted, the Director may initiate an application for a text amendment to this LDC in accordance with Sec. 2-501.B, LDC Text Amendments, to list the use or structure in the use tables in Chapter 3: Zoning Districts, as a permitted or special exception use, as appropriate. Until final action is taken on the text amendment application, the interpretation of the Director shall be binding and shall be maintained in the record of interpretations required by Sec. 2-507, Administrative Interpretation.

SECTION 10-3. RULES OF MEASUREMENT

Intensity and dimensional standards shall be measured in accordance with this section.

10-301. BUILDINGS

A. Building Footprint

The total area of land covered or occupied by an individual building, including all roofed areas and outdoor sales area. Walkways and public spaces are excluded from the calculation.

B. Building Frontage

The length of the outside building wall facing a public right-of-way.

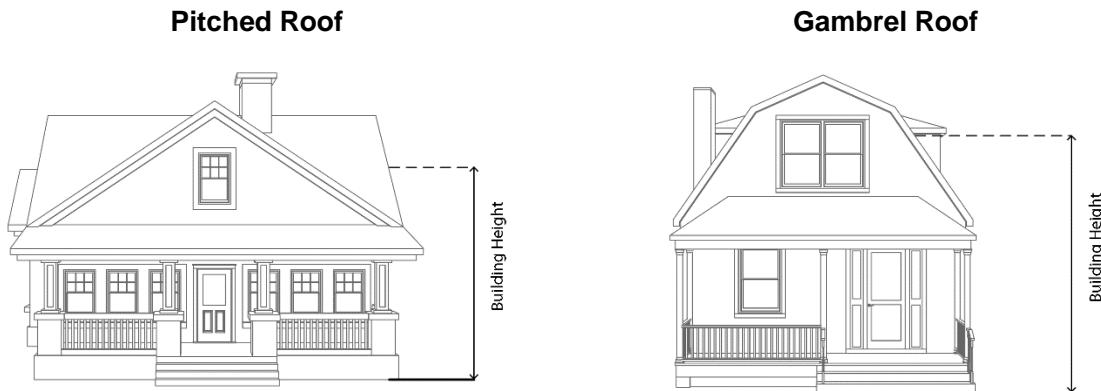
C. Building Height

The vertical distance from the grade to the highest point of a flat roof or a mansard roof (see Figure 10-301.C-1: Flat and Mansard Roof Building Height Measurement) or to the mean height level between the eaves and ridge for gable, hip, and gambrel roofs (see Figure 10-301.C-2: Gable, Hip, and Gambrel Roof Building Height Measurement).

Figure 10-301.C-1: Flat and Mansard Roof Building Height Measurement



Figure 10-301.C-2: Gable, Hip, and Gambrel Roof Building Height Measurement



D. Building Line

The line beyond which a building shall not extend, except as specifically provided by law, and which is determined from the extreme support of the roof of the main structure or appurtenance thereto.

E. Highest Adjacent Grade

See Sec. 7-303, Definitions.

F. Lowest Floor

See Sec. 7-303, Definitions.

10-302. DENSITY AND AREA

A. Density

The number of dwellings or housing units calculated per gross residential acreage (du/acre), except that for all vertical mixed use developments and developments in areas designated Village Center Tiers 2, 3 and 4, density shall be calculated per gross acre including non-residential land contained within the boundary of the development unless otherwise specified in this LDC.

B. Density Equivalents

1. Applicability

The density equivalents set forth in this subsection will be used in situations where it is necessary to convert permissible uses to residential dwelling unit equivalents. When permitted by the use regulations in a zoning district that permits dwelling units, the permissible density equivalents may not exceed the density limitations set forth in the zoning district or land use category (whichever is less) in which the property is located.

2. *Equivalency Factors*

- A. Where health care, social service, adult living facilities (ALF), continuing care facilities, or other “group quarters” are provided in dwelling units, wherein each unit has its own cooking facilities, density equivalents will be calculated on a 1:1 ratio.
- B. Except as may be specifically set forth elsewhere in this section, where health care, social service, adult living facilities (ALF), continuing care facilities (CCF), or other “group quarters” are provided in dwelling units or other facilities wherein each unit does not have individual cooking facilities and where meals are served at a central dining facility or are brought to the occupants from a central kitchen, density equivalents will be calculated at the ratio of two beds equals one dwelling unit.
- C. A planned development, for which the Planned Development Master Concept Plan states the number of persons that may occupy an approved adult living facility (ALF) or continuing care facility (CCF), may request an amendment to the approved Master Concept Plan to reflect the increased number of occupants based upon the equivalency factor set forth in this section (if applicable). Such amendment will be considered a minor amendment that will be deemed to not increase density and may be approved pursuant to Secs. 2-501.D.2.E and F as long as existing floor space is not increased to accommodate the increased number of occupants. If increased floor space is required, then a public hearing will be required.
- D. Notwithstanding subsection B above, no density equivalency calculation is required for a bed and breakfast in an owner-occupied single-family dwelling accommodating four or less lodgers. If the bed and breakfast will accommodate more than four lodgers, then the equivalency will be calculated as four lodgers equals one dwelling unit.
- E. Notwithstanding subsection B above, no density calculation is required for a hospital, prison, jail, boot camp, detention center, or other similar type facility owned or operated by a county, state or federal agency.
- F. Where dwelling or living units have “lock-off accommodations,” density will be calculated as follows:
 1. Hotels or motels: “Lock-off units” will be counted as separate rental units regardless of size.
 2. Determination of permitted density. The maximum permitted density shall be determined by multiplying the number of dwelling units permitted (see subsection 1 above) by the appropriate equivalency factor.

C. **Floor Area**

The total area of each story of a building, or portion thereof, within the exterior walls of the building or structure.

D. **Floor Area Ratio**

A measure of intensity expressing the maximum allowable floor area permitted on a lot. The FAR is equivalent to the total floor area of a nonresidential building divided by the total area of the lot (less wetlands), expressed in square feet. The FAR represents the relationship of the developed square footage of the lot to the square footage of the site.

E. **Gross Residential Acreage**

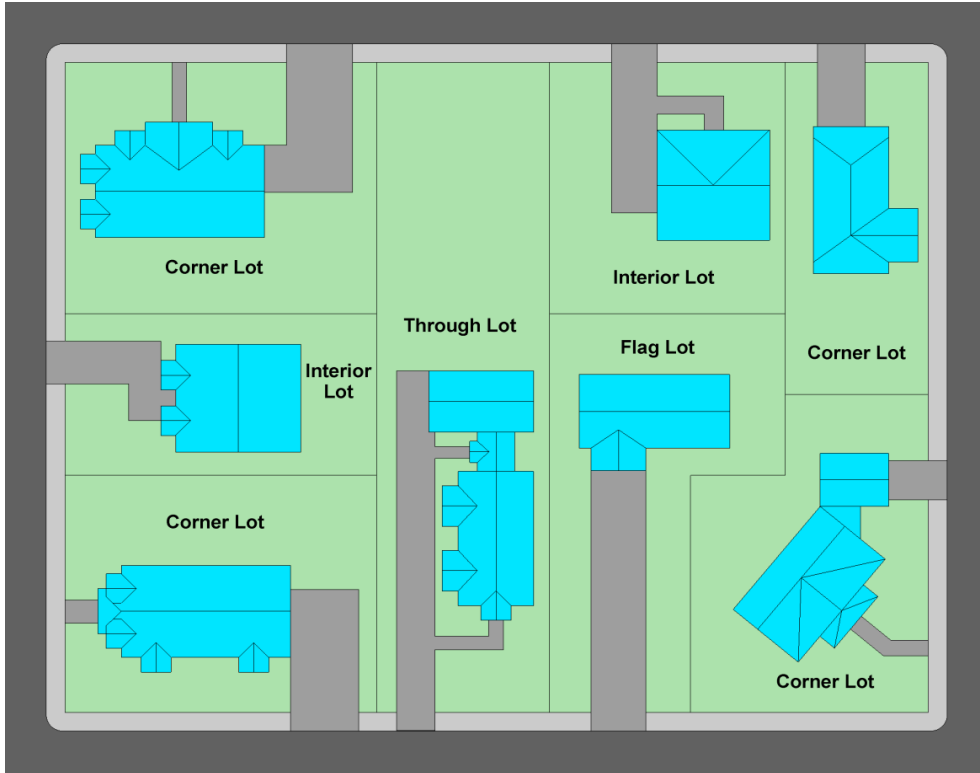
Acreage of a development includes those lands to be used for residential uses, and includes land within the development proposed to be used for streets and street rights of way, utility rights-of-way, public and private parks, recreation and open space, schools, community centers, and facilities such as police, fire and emergency services, sewage and water, drainage, and existing man-made waterbodies contained within the residential development.

10-303. **LOTS AND YARDS**

A. **Lot**

A parcel of land considered as a unit.

1. *Example Diagram of Lot Types*



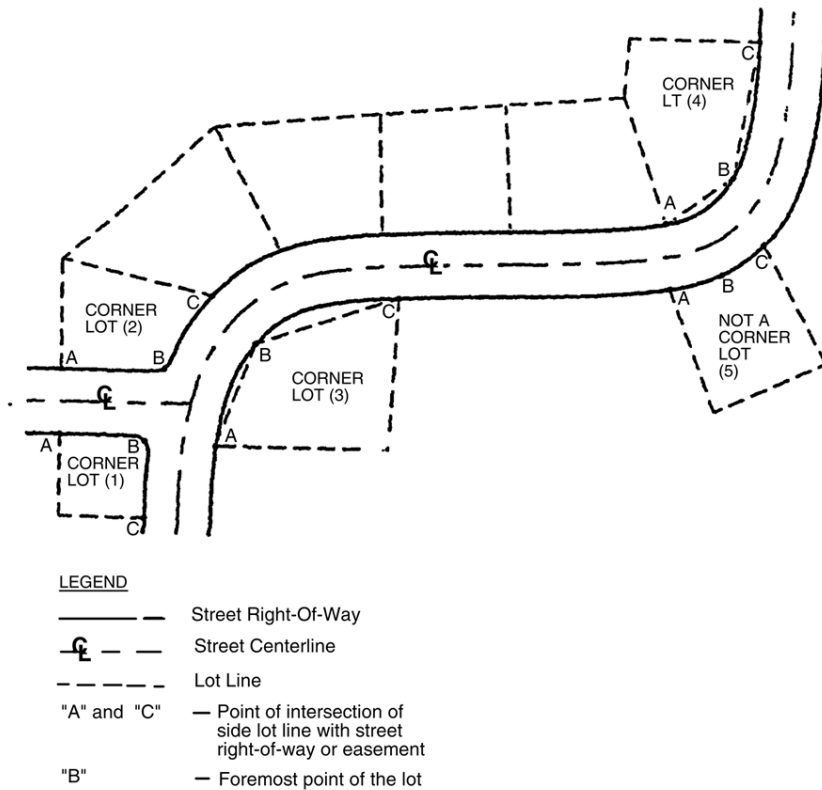
B. Lot Area

The total horizontal area within a lot's lines.

C. Lot, Corner

1. A lot located at the intersection of two or more streets where the corner interior angle formed by the intersection of the two streets is 135 degrees or less.
2. A lot abutting a curved street if straight lines drawn between the intersections of the side lot lines and the street right-of-way or easement to the foremost point of the lot form an interior angle of less than 135 degrees.

3. Example Diagram of Corner Lots



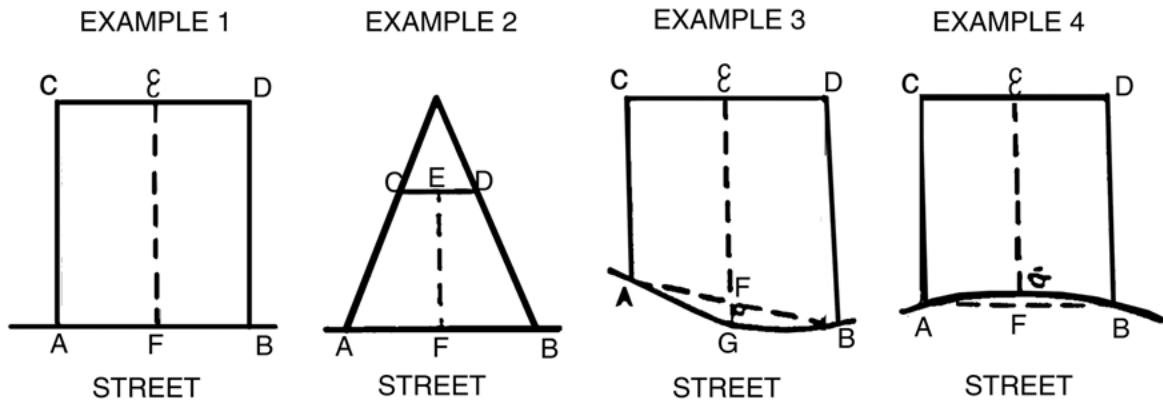
D. Lot Coverage

That portion of a lot area, expressed as a percentage, occupied by all impervious surfaces.

E. Lot Depth

The distance between the midpoints of the front lot line and the rear lot line. The midpoint of a curved front or rear lot line shall be considered to be the midpoint of a straight line connecting the points of its intersection with the side lot lines.

1. Example Diagram of Lot Depth



F. Lot, Double-Frontage

Any lot, not a corner lot or through lot, having two or more property lines abutting a street right-of-way or easement.

G. Lot, Flag

A lot not fronting on or abutting a street, and where access to the street is by a narrow private easement; or an L-shaped lot or other irregularly shaped lot which abuts and has access to a street but does not comply with the minimum frontage requirements of the LDC.

H. Lot Frontage

The distance measured along a straight line of the street right-of-way or easement.

I. Lot, Interior

A lot not defined as a corner, double-frontage or through lot.

J. Lot Line

A line which delineates the boundary of a lot.

K. Lot Line, Front

The lot line which divides the lot from a street right-of-way or easement.

L. Lot Line, Rear

The lot line which is parallel to or concentric with and most distant from the front lot line of the lot. In the case of an irregular or triangular lot, a line 20 feet in length, entirely within the lot, parallel to or concentric with and at the maximum possible distance from the front lot line shall be considered to be the rear lot line. In the case of a through lot, there shall be no rear lot line. In the case of a through frontage lot, the line directly opposite from the front line shall be designated as either a rear line or a side line depending upon the designation of the adjacent property. In the case of corner lots, the rear lot line shall be the line most nearly parallel to or concentric with and most distant from the front line most prevalent along the block.

M. Lot line, Side

A lot line other than a front or rear lot line.

N. Lot, L-Shape

An irregular lot shape, such as one in the shape of an "L" or "T," which meets the minimum frontage requirements of this LDC.

O. Lot, Through

Any lot having two opposite lot lines abutting a street right-of-way or easement.

P. Lot Width

The distance measured along the street right of way or easement.

Q. Setback

The minimum horizontal distance required between a specified line and the nearest point of a building or structure.

1. Street setback

The setback extending across the front of a lot measured from the edge of an existing or proposed street right-of-way or street easement. When this LDC refers to street setback it means existing or proposed street right-of-way or street easement, whichever is greater.

2. Side Setback

A setback that extends from the street setback to the rear setback, the required depth of which is measured from at a right angle from the side lot line.

3. Rear Setback

A setback that extends across the full width of the rear of a lot, the required depth of which is measured from the rear lot line.

4. Waterbody Setback

The setback measured from the mean high water line (MHWL), or the control elevation line, if applicable, of a water body.

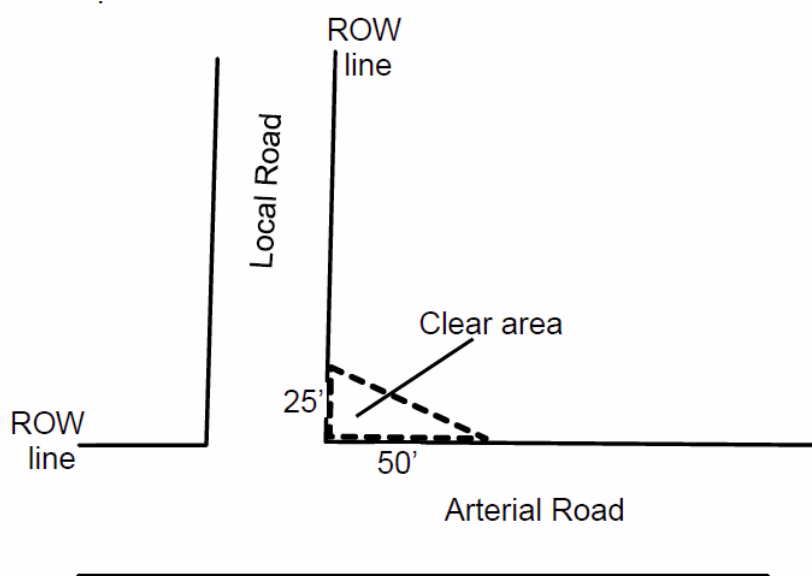
R. Setback Line

Line drawn parallel to or concentric with the street right-of-way or lot line at a distance from street right-of-way or lot line equal to the setback required by this LDC. If the line is curved, the setback line will be a curved line drawn an equal distance back from lot lines or street right-of-way line, as applicable, and with the required setback measured at the point or points where the development is closest to the street right-of-way or lot line.

S. Sight Triangle

Sight triangles are used to avoid obstruction of vision at intersections. No walls, fences signs or landscaping shall be permitted on local road corner lots within a setback of 25 feet of intersecting street rights-of-way, and lots on collector and arterial roads within a setback of 50 feet of intersecting street rights-of-way if such a wall, fence, sign, or landscaping may obstruct traffic visibility. Combination of the various rights-of-way may be combined (See sample figure). The Village Engineer may review any clear site triangle for changes to the setback distances depending on sight conditions.

1. Example Diagram of Sight Triangle



T. Zero Lot Line

The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a property line.

10-304. EXCEPTIONS AND VARIATIONS

A. Exceptions to Maximum Structure Height

1. The following structural appurtenances may exceed the height limitations established in the applicable zoning districts up to an additional 10 feet, without deviation or variance:
 - A. Purely ornamental structural appurtenances such as church spires, belfries, cupolas, domes, ornamental towers, flagpoles, or monuments.
 - B. Appurtenances necessary to mechanical and structural functions such as chimneys, water tanks, elevators and stairwell enclosures, ventilators, and bulkheads; AM and FM radio and television masts, aerials, and antennas; fire and hose towers or navigation aids, forest fire observation towers; and barns, silos, windmills, or other farm structures when located on farms.
2. The portion of the building or structure permitted as an exception to a height limitation may not be used for human occupancy or commercial purposes.

3. Structural exceptions to height limitations shall only be erected to the minimum height necessary to accomplish the purpose it is intended to serve, and no higher.
4. The roof area of the structural elements permitted to exceed the height limitations shall not exceed 20 percent of the total roof area.

B. Allowable Modifications of Required Setbacks

1. Every part of every required setback shall remain open and unobstructed from the ground to the sky except as otherwise allowed in Table 10-304.B: Modified Setbacks, or allowed or limited elsewhere in this LDC.
2. No modification that would encroach on utility or drainage easements is allowed.
3. Encroachments shall be set back a minimum of five feet from the lot line, unless a different distance is required by the building code or the table below.

TABLE: 10-304.B: MODIFIED SETBACKS	
Feature	Extent and Limitations of Modification
1. Wing walls	A wing wall as a part of a building may be permitted to encroach into a side or rear setback, provided it is no higher than would be permitted for a fence or wall.
2. Overhangs	An overhang as a part of the building and not permitting a balcony may extend up to three feet into required setbacks described in the zoning district.
3. Shutters	Shutters attached to buildings may extend up to one foot into the required setback described in the zoning district.
4. Awnings and canopies	Awnings and canopies which are attached to a building may extend up to three feet into required setback described in the zoning district. An awning or canopy which complies with this standard on a nonconforming structure will not be considered an increase in the nonconformity. No awning or canopy may be placed over public right-of-way.
5. Mailbox, freestanding	May be located as permitted by U.S. Postal Service regulations, so long as support for the mailbox is a breakaway or yielding design.
6. Bus shelters, Bus stop benches, and bicycle racks	May be located with any setback approved by the Department of Transportation.
7. Bay windows	May extend up to three feet into any required minimum setback if no more than nine feet wide, but not beyond the overhang of the building
8. Chimneys or fireplaces	May extend up to one foot into any required minimum setback, not beyond the overhang of the building.
9. Windowsills or entablatures	May extend up to 18 inches into any required minimum setback.
10. Patios or terraces, or walkways	May extend into or be located in any required minimum setback if less than 2 inches high.
11. Driveways	May be located in any minimum required setback unless restricted by other provisions in this LDC.
12. Lighting fixtures, projecting or free-standing (including lampposts)	May be located in any required minimum setback.
13. Accessory structures other than those listed above	Accessory structures other than those listed above shall comply with the required setback for accessory uses described in the zoning district.

C. Additional Buffer from the Estero River

1. Where the full width of the regulatory floodway designated on the official flood maps adopted into Section 7-3, Flood Hazard Reduction Standards, is wider than the foregoing minimum separation area (or “buffer”), all buildings and structures proposed to be located in the area within such regulatory floodway extending from the minimum separation area to the edge of the regulatory floodway may only be located in such area, if and to the extent otherwise allowed by applicable law.
2. Indigenous plant communities may not be cleared within the minimum separation area except for the minimal removal necessary to allow the placement of recreational structures such as docks, boat launches, benches, trails, and pedestrian bridges, or for the minimal removal necessary to construct a required connecting street.

SECTION 10-4. DEFINITIONS

The following words, terms, and phrases, when used in this LDC, shall have the meaning ascribed to them in this section.

Abandoned Nest

For the purposes of Sec. 7-201.A, Southern Bald Eagle, only, a nest that is intact or partially intact but has been inactive through five or more consecutive nesting seasons.

Abandoned Well

For the purposes of Sec. 7-202, Wellfield Protection, only, a well that does not have a properly functioning valve, the use of which has been permanently discontinued, that does not meet current well construction standards, that is discharging water containing greater than 500 milligrams per liter of chlorides into a drinking water aquifer, that is in such a state of disrepair that it cannot be used for its intended purpose without having an adverse impact upon an aquifer which serves as a source of drinking water or which is likely to be such a source in the future, or that does not have proper flow control on or below the land surface (see Sec. 373.203(1), Fla. Stat.).

Abandonment

For the purposes of Sec. 4-143, Wireless Telecommunications, the permanent cessation of the use of a communications facility; provided that this term shall not include cessation of all use of a facility within a physical structure where the physical structure continues to be used. By way of example, and not limitation, cessation of all use of a cable within a conduit, where the conduit continues to be used, shall not be “abandonment” of a facility in public rights-of-way. It may also mean the discontinued use of obsolete technology in favor of new technology, which would require the removal of the discontinued, abandoned technology.

Abutting Property

Unless specifically stated otherwise in this LDC, a property having a boundary line, or point or portion thereof, in common, with no intervening street right-of-way or easement, or any other easement over 25 feet in width.

Access Point

An accessway or driveway that provides vehicle access to a single parcel of land.

Access Road

A road that runs generally parallel to an arterial or collector road and is the primary access to properties that abut the arterial or collector road. An access road is intended only to provide access to parcels existing when it is constructed and does not provide frontage for newly created parcels as would a local road. See also Frontage Road.

Access, Vehicular

The principal means of vehicular ingress and egress to abutting property from a street right-of-way or easement.

Access Walkway

For the purposes of Section 7-4, Marine Facilities, Structures, and Equipment Standards, only, the portion of a structure that allows access to a docking facility or terminal platform.

Accessway

Land that is used or intended to be used for ingress or egress to abutting parcels of land and is not dedicated to the public. Accessways include access points to commercial, industrial, and other types of developments, except a single parcel of land containing two or fewer dwelling units in a single structure.

Accessory Use or Structure

A use or structure that is:

- (1) Clearly incidental to and customarily found in connection with and located on the same parcel as is the principal use to which it is related; and or

- (2) Designed for the comfort, convenience or necessity of occupants of the principal use served.

Active Nest

For the purposes of Sec. 7-201.A, Southern Bald Eagle, only, a nest that shows or showed evidence of breeding by southern bald eagles, such as an adult attending the nest or in incubating position, a clutch of eggs, or a brood of nestlings, at any time during the current or most recent nesting season.

ADA Accessibility Guidelines

Document that contains scoping and technical requirements for accessibility to site, facilities, buildings and elements by individuals with disabilities. These guidelines are intended to apply to the design, construction, expansion, and alteration of sites, facilities, buildings, and elements to the extent required under the Americans with Disabilities Act of 1990 (ADA) and subsequent amendments.

Adjacent

A parcel of land that shares all or part of a common lot line or boundary with another parcel of land, or a parcel of land that would abut another parcel of land, but for the fact a street or right-of-way divides the parcels.

Advertising Message

Copy on a sign describing commodities, products or services being offered to the public.

Aggrieved Person or Party

Any person who has a legally recognizable interest which is or which may be adversely affected by an action of or an action requested of the Village Council, or any other person or Board that has been delegated authority under this LDC by the Village Council.

Agriculture

Farming, horticulture, pasturage, animal husbandry, citrus and other fruit groves, nurseries, dairy farms, commercial fisheries, frog or poultry hatcheries, and similar uses.

Alcoholic Beverage

Distilled spirits and all beverages, other than medicine, intended for human consumption and containing one-half of one percent or more alcohol by volume.

Alter and Alteration

Any change in size, shape, character or use of a building or structure.

Alternate Nest

For the purposes of Sec. 7-201.A, Southern Bald Eagle, only, a nest that is intact or partially intact and has been used by bald eagles at any time during the past five nesting seasons, but was not used during the current or most recent nesting season. An inactive nest is considered to be an alternate nest until it has been inactive for five consecutive nesting seasons, at which time it becomes an abandoned nest.

Amateur Radio Antenna

An antenna, including any mounting device, tower, or antenna-supporting structure, designed and constructed for amateur radio services.

Amateur Radio Services

A radio communication service for the purpose of self-training, intercommunication and technical investigations carried out by duly authorized persons interested in radio technique solely with a personal aim and without pecuniary interest.

Ambient Light

Light not emanating from the site, such as moonlight.

Amusement Arcades

An indoor commercial establishment which provides, as the principal "use," amusement devices or games of skill or chance, such as pinball and video games. This term shall not include

establishments where amusement devices and games are “accessory uses” which either do not involve more than fifteen percent of the gross floor area of the establishment or involve more than two devices or games, whichever results in the greater number of games.

Amusement Centers

A commercially operated indoor facility providing a variety of amusement devices primarily including, but not limited to, play equipment, television games, electromechanical games, small kiddie rides, and other similar devices, and which may include food service.

Ancillary Appurtenances

For the purposes of Sec. 4-143, Wireless Telecommunications, equipment associated with a wireless communications facility including, but not limited to: Antennas, antenna concealment screening, attaching devices, transmission lines, and other equipment associated with a wireless communications facility. Ancillary appurtenances do not include equipment enclosures.

Animal Clinic

An establishment providing for the diagnosis and treatment of ailments of animals other than humans, and which may include facilities for overnight care.

Animal Shelter

A facility used to house and care for stray, homeless, abandoned, or neglected household and domestic animals that is owned, operated, or maintained by a public body or an established humane society or other private or nonprofit organization.

Antenna

Any device for radiating or receiving electromagnetic radiation. This definition shall specifically include, but is not limited to, all radio, television, microwave, and satellite dish antennas.

Antenna Concealment Screening

For the purposes of Sec. 4-143, Wireless Telecommunications, panels, covers, or other methods that screen the visibility of antennas.

Antenna, Dish

For the purposes of Sec. 4-143, Wireless Telecommunications, a parabolic, spherical, or elliptical antenna intended to receive wireless communications.

Antenna, Flush-Mounted

For the purposes of Sec. 4-143, Wireless Telecommunications, a dual-polarization antenna that is attached flush to an antenna-supporting structure, without the use of sidearms or other extension devices.

Antenna, Panel

For the purposes of Sec. 4-143, Wireless Telecommunications, a directional antenna, with more than one panel per sector, designed to transmit and/or receive signals in a directional pattern that is less than 360 degrees.

Antenna, Roof-Mounted

For the purposes of Sec. 4-143, Wireless Telecommunications, an antenna mounted on the roof of a building, that extends above the roofline by 20 feet or less. An antenna, mounted on the roof of a building, that extends more than 20 feet above the roofline is an antenna-supporting structure.

Antenna, Surface-Mounted

For the purposes of Sec. 4-143, Wireless Telecommunications, an antenna that is attached to the surface or façade of a building or structure other than an antenna-supporting structure including, without limitation, billboards, utility poles and water towers.

Antenna, Whip

For the purposes of Sec. 4-143, Wireless Telecommunications, a cylindrical, omni-directional antenna designed to transmit and/or receive signals in a 360-degree pattern.

Antenna-Supporting Structure

For the purposes of Sec. 4-143, Wireless Telecommunications, a vertically projecting structure, including any foundation, designed and primarily used to support one or more antennas or which constitutes an antenna itself. Antenna-supporting structures include roof-mounted antennas that extend above a roofline by more than 20 feet. For purposes of this division, a utility pole not exceeding 40 feet in height will not be construed to be an antenna-supporting structure.

Antenna-Supporting Structure, Broadcast

For the purposes of Sec. 4-143, Wireless Telecommunications, an antenna-supporting structure, including replacements, which contains antennas that transmit signals for broadcast radio and television communications.

Antenna-Supporting Structure, Guyed

For the purposes of Sec. 4-143, Wireless Telecommunications, a style of antenna-supporting structure supported by a series of guy wires that are connected to anchors placed in the ground or on a building.

Antenna-Supporting Structure, Lattice

For the purposes of Sec. 4-143, Wireless Telecommunications, a style of stand-alone antenna-supporting structure, not supported by guy wires, which consists of vertical and horizontal supports with multiple legs and cross-bracing.

Antenna-Supporting Structure, Monopole

For the purposes of Sec. 4-143, Wireless Telecommunications, a style of stand-alone antenna-supporting structure that is composed of a single shaft attached to a foundation with external antennas. This type of antenna-supporting structure is designed to support itself without the use of guy wires or other stabilization devices.

Antenna-Supporting Structure, Replacement

For the purposes of Sec. 4-143, Wireless Telecommunications, an antenna-supporting structure intended to replace an antenna-supporting structure in existence at the time of application.

Applicable Codes

For the purposes of Sec. 4-143, Wireless Telecommunications, uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization or local amendments to those codes enacted solely to address threats of destruction or property or injury to persons, and the regulations and design standards contained Sec. 4-143, Wireless Telecommunications. For all other sections, all codes with the force of law in the Village of Estero.

Applicant

Any individual, firm, association, syndicate, co-partnership, corporation, trust or other legal entity, or their duly authorized representative, conducting activities under this LDC.

Application for a Development Order

The submission of the documents as required to the Director for review.

Approved Discharge Device

A device which is currently listed by the United States Coast Guard as an approved marine sanitation device.

Approved Road

For purposes of Sec. 8-102, Road Impact Fees, only, an arterial road, collector road, freeway, or expressway, including sidewalks bordering such roads and access roads, that if constructed in whole or in part by a nongovernmental entity, or the right-of-way of which is dedicated to the Village or some other government approved by the Village, that may entitle the person constructing the road or dedicating the right-of-way to a road impact fee credit equal to all or a portion of the value of the land dedicated or the cost of construction. Approved roads do not include site-related improvements.

Aquatic Centers (Indoor)

A complex with facilities for water sports, including swimming pools.

Aquatic Centers (Outdoor)

An outdoor complex with facilities for water sports, including swimming pools, and that may include water slides.

Aquifer

A geologic formation, group of formations, or a part of a formation, containing sufficient saturated permeable material to yield useful quantities of ground water to wells, springs, or surface water. (See Rule 62-520.200(2), F.A.C.) (See Sec. 7-202, Wellfield Protection).

Architect

A professional architect duly registered and licensed by the state of Florida.

Areas of Special Concern (ASC)

For the purposes of Section 7-4, Marine Facilities, Structures, and Equipment Standards, only, those areas as identified and described in the Manatee Protection Plan.

Art Gallery

An establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art.

Articulation

Shapes and surfaces having joints or segments that subdivide the area or elements; the joints or members add scale and rhythm to an otherwise plain surface.

Artificial Light or Artificial Lighting

Light emanating from any man-made device.

Assisted Living Facility

A use licensed under Ch. 58A-5, F.A.C, that may be a building, section or distinct part of a building, private home, boarding home, home for the aged, or other residential facility, whether operated for profit or not, that undertakes through its ownership or management to provide housing, meals, and one or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or administrator. For purposes of this definition only, the term “personal services” means direct physical assistance with or supervision of the activities of daily living and the self-administration of medication and other similar services that the department may define by rule. “Personal services” shall not be construed to mean the provision of medical, nursing, dental, or mental health services.

ASTM

American Society of Testing Materials.

Athletic Field

A facility for the staging of amateur and/or professional sporting events, consisting of an open-air field and appropriate support facilities.

Automotive Service Station

An establishment primarily engaged in the retail sale of motor fuel or lubricants, but which may also include facilities for washing, polishing, waxing, greasing, tire repair (with no recapping or vulcanizing) and other minor incidental repairs, and emergency road service, including towing and emergency repairs and services; provided, however, such establishment is not primarily engaged in work or services listed as “Vehicle and boat repair and maintenance.”

Available Space

For the purpose of Sec. 4-143, Wireless Telecommunications, the space on an antenna-supporting structure or other structure to which antennas are both structurally and electromagnetically able to be attached.

Average Lighting

The sum of the calculated illuminance points on the photometric plan divided by the total number of calculated illuminance points within the site boundary. Sub-area averages, such as canopies, fuel pumps, telephone, drive thru, ATM, and the like, shall only include points within that sub-area.

Illuminance levels will be computed over developed portions of each site and specified adjacent land and do not include enclosed building pad areas. Time-averaged or other alternative methods of computing illuminance levels are not permitted.

Awning

A roof-like cover, made of cloth, canvas or other similar material, that projects from the wall of a building for the purpose of shielding a doorway or window from the elements. See also Canopy and Marquee.

Back-lighting

Illumination of an awning, canopy, or building roof, fascia, façade or through similar area by any type of lighting source from behind the fascia, façade or roof in order to be seen through those structures.

Bait and Tackle Shop

An establishment primarily engaged in the sale of materials and equipment needed for fishing. The establishment may also sell convenience food products, drinks, sandwiches, and other packaged foods for daily use.

Balloon Test

For the purposes of Sec. 4-143, Wireless Telecommunications, an event in which the applicant arranges to fly, or raise upon a temporary mast, for four consecutive days, a brightly colored balloon not less than three feet in diameter, at the maximum height and at the location of the proposed antenna-supporting structure.

Bank or Financial Institution

An establishment that provides retail banking services, mortgage lending, or similar financial services to individuals and businesses. This use does not include check cashing services or bail bond brokers. Accessory uses may include automated teller machines (ATMs) and facilities providing drive-through service.

Banner

Any sign, other than an official flag, made of cloth, paper or fabric of any kind and suspended by one or more strings or ropes, which is used to attract attention, whether or not imprinted with words or characters. See Pennant.

Bar

An establishment devoted primarily to the retailing and on-premises drinking of malt, vinous, or other alcoholic beverages.

Base Station

For the purposes of Sec. 4-143, Wireless Telecommunications, a primary sending and receiving site in a wireless communication network. A wireless communication facility may support base stations for more than one provider.

Bed and Breakfast

An owner-occupied conventional single-family residence that accommodates lodgers.

Beer

A beverage as defined in Ch. 563, Fla. Stat.

Best Management Practices (BMPs)

For the purposes of Sec. 7-205, Clean Water Provision, only, methods and practices used to control and manage stormwater runoff that have been determined most appropriate by state and federal agencies such as FDEP and EPA.

Bicycle Lane or Bike Lane

The portion of a roadway designated by signing and pavement markings for the preferential or exclusive use of bicyclists.

Big Box Commercial/Large Retail/Large Footprint

A single use retailer of more than 50,000 square feet of building footprint, or a multi-use development, with more than 100,000 square feet of building area, excluding outparcel development.

Bike Share Station

A public or quasi-public bicycle system, or bike-share scheme, that is a service to people who decide to participate (typically for a fee), in which bicycles are made available for shared use to individuals on a very short term basis at a bike share station. For many bike share systems, smartphone mapping applications show nearby stations with available bikes and open bike docks.

Bikeway

Various types of facilities that are designed and constructed to accommodate bicycle travel.

Billboard

Outdoor advertising signs erected or maintained upon which advertising messages may be displayed and which advertise firms and organizations that, along with their goods, products or services, are not located on the same premises as the sign, and whose surface is sold, rented, owned or leased for the display of advertising material.

Billboard, Double-Tier

Two billboards that are stacked one above the other so that one is higher than the other and both are visible in the same direction.

Bingo Halls

An establishment for the operation of bingo games operating in compliance with state law.

Block

A group of lots, including a tier of lots, existing within well-defined and fixed boundaries, usually being an area surrounded by streets or other physical barriers and having an assigned number, letter or other name by which it may be identified.

Boat

A vehicle or vessel designed for operation as a watercraft propelled by sail or one or more electric or internal combustion engines. For the purposes of the Manatee Protection Plan, non-mechanically powered canoes and kayaks are not covered by this definition. (See also Vessel or Watercraft.)

For the purposes of Section 7-4, Marine Facilities, Structures, and Equipment Standards, only, boat specifically includes every description of vessel, watercraft or other artificial contrivance used, or capable of use as a means of transportation, as a mode of habitation, or as a place of business or professional or social association on waters of the Village, including but not limited to:

- (1) Foreign and domestic watercraft engaged in commerce;
- (2) Passenger or other cargo-carrying watercraft;
- (3) Privately owned recreational watercraft;
- (4) Airboats and seaplanes; and
- (5) Houseboats or other floating homes.

Boat Facility

For the purposes of Section 7-4, Marine Facilities, Structures, and Equipment Standards, only, a public or private structure or operation where boats are moored or launched, including commercial, and boat ramps.

Boathouse

A roofed structure constructed over or adjacent to water to provide a covered mooring or storage place for watercraft.

Boat Ramp

A structure, man-made or altered natural feature, or an inclined and stabilized surface extending into the water from the shore, which facilitates the launching and landing of boats into a waterbody or from which trailered watercraft can be launched and retrieved.

Bollard

A short post, often used for pedestrian-scale lighting or to control access to bicycle or pedestrian facilities.

Bonus Density

An increase in the density of development that can be carried out on a parcel of land over and above the standard density range permitted by the comprehensive plan for the land use category in which it is located.

Brackish Water

For the purposes of Sec. 7-202, Wellfield Protection, only, water with total dissolved solids greater than 1,000 parts per million.

Breakaway Walls

Any type of walls, whether solid or open-lattice, and whether constructed of concrete, masonry, wood, or insect screening, which are not part of the structural support of the building and which are designed and constructed to collapse under specific lateral loading forces without causing damage to the elevated portion of the buildings or the supporting foundation system on which they are used.

Brewpubs or Micro-Brewery, -Winery, or -Distillery

An establishment which produces ales, beers, meads, wines, liquor or and similar beverages on site, and serves and sales those beverages on-site. The establishment may not brew, make, or distill more than 15,000 barrels of beverages (in total) annually.

Broadcast Facility

For the purpose of Sec. 4-143, Wireless Telecommunications, a wireless communications facility used for the transmission and reception of commercial radio or television signals.

Broadcast Studio, Commercial Radio, and Television

A building or portion of a building used as a place to record and broadcast music, videos, television, and other oral and visual related media.

Buffer

Land or methods to separate properties or uses that may have potential adverse impacts upon one another or on a natural areas.

Buffer Area

For the purposes of Sec. 7-201.A, Southern Bald Eagle, only, an area designated in accordance with that section that shall remain predominantly in its natural state to protect eagles, nest trees, or other critical eagle nesting habitat. Buffer areas may be irregularly shaped, and range in any distance up to 660 feet from a nest, or larger if offered voluntarily.

Building

A structure, either temporary or permanent, with a roof intended to be impervious to weather, and used or built for the shelter or enclosure of persons, animals, chattels or property of any kind. This definition includes tents, awnings, cabanas or vehicles situated on private property and serving the function of a building, but does not include screened enclosures not having a roof impervious to weather.

Building, Conventional

- (1) A building, built upon the site and upon its own permanent foundation, constructed of basic materials such as masonry or minimally prefabricated components such as roof trusses, wall panels and bathroom/kitchen modules, and conformable to the locally adopted building, electrical, plumbing and other related codes; or
- (2) A building manufactured off the site in conformance with Ch. 553, Fla. Stat. (or Ch. 9B-1, F.A.C.), subsequently transported to its site complete or in modules and fixed to its own foundation with no intention to relocate.

Building, Heating/Air Conditioning, Plumbing, or Electrical Contractors Office or Storage Yard

A building, yard, or portion of a building used by a building, heating, plumbing, electrical, or other development contractor both as an office and for the storage of materials, supplies, and equipment inside the building.

Building, Principal

A building in which is conducted the main or primary use of the premises on which the building is situated.

Building, Shell

For purposes of Chapter 8, Public Facility Funding and Coordination, only, any commercial or industrial building, or portion of a building, constructed to consist exclusively of exterior walls and unfinished interior units with rough staged utilities so as to preclude occupancy. This definition does not include agricultural or residential buildings.

Building Face or Wall

See Façade.

Building Official

The Director of Community Development or a designated representative.

Building Permit

For purposes of Chapter 8, Public Facility Funding and Coordination, only, an official document or certification issued by the Building Official authorizing the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving, or repair of a building or structure. In the case of a change in use or occupancy of an existing building or structure, the term specifically includes certificates of occupancy and occupancy permits, as those permits are defined or required by Village ordinance.

Bulb

The source of electric light. To be distinguished from the whole assembly (See luminaire).

Bulletin Board

A sign which identifies an institution or organization on the premises on which it is located and which contains the names of individuals connected with it and general announcements of events or activities occurring at the institution or similar messages. It shall not be interpreted to include movie theaters or other similar commercial activities.

Cabana

A structure that shall be used for recreational purposes only, and may not be used by unit owners, their guests, or invitees for occupancy as a rooming unit, housing unit, accessory apartment, guest unit, or dwelling unit as those terms are defined by this Code. Overnight sleeping is prohibited in a cabana. Stoves, with either a cook top range or an oven, are prohibited. Lease of the cabana structure for use by someone other than the unit owner is prohibited.

Candela or CD

Fundamental photometric quantity, luminous intensity, as defined in The International System of Units (SI).

Canopy

Raised, protective cover such as, but not limited to, awnings, marquees, overhangs, porte cochere, and drive-throughs.

Capillarity and Capillary Action

The action by which a fluid, such as water, is drawn up (or depressed) in small interstices or tubes as a result of surface tension.

Capital improvements

For purposes of Sec. 8-102, Road Impact Fees, only, preliminary engineering, engineering design studies, land surveys, right-of-way acquisition, engineering, permitting, and construction of all the necessary features for any non-site-related road construction project, including but not limited to:

- (1) Constructing new through lanes;
- (2) Constructing new turn lanes;
- (3) Constructing new frontage or access roads;
- (4) Constructing new bridges;
- (5) Constructing new drainage facilities in conjunction with roadway construction;
- (6) Purchasing and installing traffic signalization (including both new installations and upgrading signalization);
- (7) Constructing curbs, medians, sidewalks, bicycle paths shoulders, or other customary or required improvements made in conjunction with roadway construction;
- (8) Relocating utilities to accommodate new roadway construction;
- (9) Constructing on-street and off-street parking when such parking is intended for and designed to protect or enhance the vehicular capacity of the existing network of approved roads; and
- (10) Alternative roadway capacity improvements that accommodate vehicle trips by providing alternative travel modes and by taking pedestrians, bicyclists, and buses out of travel lanes including, but not limited to, sidewalks and other pedestrian improvements, bikeways, and bus pull-out lanes along arterial and collector roads.

For purposes of Sec. 8-103, Park Impact Fees, only, land acquisition, site improvements, including landscape plantings and the removal of exotic vegetation, off-site improvements associated with a new or expanded community park, buildings, and equipment. Capital improvements include bikeways along the road network that are designed and used primarily for active recreation. Capital improvements do not include maintenance and operations.

Carport

A freestanding or attached structure, consisting of a roof and supporting members such as columns or beams, unenclosed from the ground to the roof on at least two sides, and designed or used for the storage of motor-driven vehicles owned and used by the occupants of the building to which it is accessory.

Catering Establishment

An establishment that specializes in the preparation of food or beverages for social occasions, such as weddings, banquets, parties, or other gatherings, with or without banquet facilities, for these private pre-arranged occasions that are not open to impromptu attendance by the general public, excluding adult entertainment.

Cemeteries and mausoleums

An area of land set apart for the sole purpose of the burial of bodies of dead persons or animals and for the erection of customary markers, monuments and mausoleums.

Certificate of Concurrency

The certification issued by the Director in accordance with Sec. 8-203, Certificate of Concurrency. This certification means that the Director has determined that there is or will be (if certain conditions are met) sufficient public facilities to serve the development for which a development permit is requested without violating the minimum concurrency standards set forth in the comprehensive plan.

Certificated Service Area

For the purposes of Section 5-10, Utilities, the geographic area within which a potable water utility and/or sanitary sewer utility has been authorized to provide service in accordance with Ch. 367, Fla. Stat.

Change of Occupancy

Discontinuance of an existing use and the substitution of a use of a different kind of class. Change of occupancy is not intended to include a change of tenants or proprietors unless accompanied by a change in the type of use.

Cinemas or Theaters

An enclosed facility with fixed seats for the viewing of movies or live presentations of musicians or other performing artists.

Circuit Court

Circuit court of the 20th Judicial Circuit in and for Lee County.

Clerk of the Circuit Court or County Clerk

Clerk of the Circuit Court of the 20th Judicial Circuit in and for Lee County.

Closure

For the purposes of Sec. 7-202, Wellfield Protection, only, the termination of any regulated or prohibited nonresidential land use or activity covered by that subsection.

Clubs, Lodges, or Community-Oriented Associations

An establishment providing facilities for social or recreational purposes including those organized chiefly to promote friendship and welfare among its members and not operated for profit, excluding adult entertainment.

Clubhouse (as accessory to a residential development, golf, or tennis facility)

A building or room used for social or recreational activities by occupants of a residential development, or members of a club (e.g., golf course clubhouse), or occupants of a residential or other development.

Coastal High Hazard Area

For the purposes of Section 7-3, Flood Hazard Reduction Standards, only, the area of the hurricane vulnerability zone defined as the land falling category 1 storm surge zone as delineated by the Southwest Florida Regional Planning Council.

Code of Ordinances

The Village of Estero, Florida, Code of Ordinances.

Colleges or Universities

An institution offering a program of post-secondary education and instruction leading to associate, baccalaureate, or higher degrees, that is accredited by a national association of colleges and universities.

Collocated or Collocation

For the purposes of Sec. 4-143, Wireless Telecommunications, the addition or replacement of an antenna on an existing structure that has been previously approved for the placement of antenna. The term collocated includes the ground, platform or roof installation of equipment enclosures and ancillary accessories associated with the location and operation of the antenna.

Colonial

An alternative architectural style that includes a symmetrical façade, but may have side porches or sunrooms on either or both sides; rectangular mass; a medium pitch, side-gable roof with narrow eaves (hipped roofs and dormers are occasionally seen); multi-pane, double-hung windows with correctly proportioned shutters, and bay windows. Brick or wood clapboard is the most common siding, but shingle can be used; and entrance centered and accented with columns, pilasters, pediment, or may be hooded to create a covered porch.

Column/Pillar

A freestanding vertical support that generates unique features through the composition of the base, shaft and capital arrangement of column parts.

Combined Antenna

For the purpose of Sec. 4-143, Wireless Telecommunications, an antenna designed and utilized to provide services by more than one provider.

Communications Facility

For the purposes of Sec. 4-143, Wireless Telecommunications, any permanent or temporary plant, equipment and property, including, but not limited to, cables, wires, conduits, ducts, fiber optics, poles, antennae, converters, splice boxes, cabinets, hand holes, manholes, vaults, drains, surface location markers, appurtenances, and other equipment or pathways placed or maintained, or to be placed or maintained, upon, under, over, or along any public rights-of-way of the county and used or capable of being used to transmit, convey, route, receive, distribute, provide or offer communications services. This includes any facility that may be used to provide communications services. Multiple cables, conduits, strands, or fibers located within the same conduit shall be considered one communications facility.

Communications Facility Provider

For the purposes of Sec. 4-143, Wireless Telecommunications, a person who is engaged, directly or indirectly, in the business of leasing, licensing, subleasing, subletting or hiring, to one or more communications service providers, all or a portion of the tangible personal property used in a communications facility, including, but not limited to, towers, poles, tower space, antennas, transmitters, and transmission lines placed or maintained upon, under, over, or along any public rights-of-way of the county. Provisions of this LDC that apply only to communications facility providers shall not apply to communications services providers, even if the communication services provider also operates, licenses, leases, subleases, or sublets communications facilities.

Communications Services

See Sec. 202.11(1), Fla. Stat.

Communications Services Provider

For the purposes of Sec. 4-143, Wireless Telecommunications, any person, including a municipality or county, providing communications services through the placement or maintenance of a communications facility in public rights-of-way. The definition also includes any person, including a municipality or county that places or maintains a communications facility in public rights-of-way but does not provide communications services.

Community Development Department

The Community Development Department is responsible for the planning functions of the Village, and for administering this LDC.

Community Garden

A private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person, household, family, or non-profit organization for personal or group use, consumption, or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

Community Residential Home

A dwelling unit licensed to serve residents who are clients of the Department of Elder Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, or the Department of Children and Family Services or licensed by the Agency for Health Care Administration which provides a living environment for seven to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.

Compatible

In describing the relation between two land uses, buildings or structures, or zoning districts, the state wherein those two things exhibit either a positive relationship based on fit, similarity or reciprocity of characteristics, or a neutral relationship based on a relative lack of conflict (actual or potential) or on a failure to communicate negative or harmful influences one to another.

Complete Application

An application for development approval submitted in accordance with this Ordinance that is determined complete or sufficient for review by Village staff.

Composting, Small-Scale

An enclosed area at least 100 square feet in area that contains a compost tumbler or similar apparatus designed for the purpose of converting household kitchen and yard waste into fertilizer.

Comprehensive Plan

The document, and its amendments, adopted by the Village Council in accordance with Ch. 163, Fla. Stat., for the orderly and balanced future economic, social, physical, environmental and fiscal development of the Village.

Comprehensive Plan Amendment

See Ch. 163, Fla. Stat.

Condominium

A form of ownership of property under which units or improvements are subject to ownership by one or more owners, and there is appurtenant to each unit or part thereof an undivided share in common elements.

Connection

Driveway, street, access road, or other means of providing access to or from the public highway system. Two one-way driveways separated by no more than 50 feet shall be considered one connection.

Conservation Easement

For the purposes of Sec. 7-201.C, Habitat Protection for Additional Listed Species, only, a right or interest in real property retaining land or water areas predominantly in their natural, scenic, open, or wooded condition; retaining such areas as suitable habitat for fish, plants, or wildlife; or maintaining existing land uses; and prohibiting or limiting the activities described in Sec. 704.06 Fla. Stat., as such provisions now exist.

Construction Site

For the purposes of Sec. 7-205, Clean Water Provision, only, a site where the land surface has been disturbed to accommodate development or redevelopment, as defined in that section. The act of soil disturbance is considered industrial activity.

Consultant

An architect, attorney, engineer, environmentalist, landscape architect, planner, surveyor or other person engaged by the developer to prepare documents required for a development permit.

Contaminant

For the purposes of Sec. 7-202, Wellfield Protection, only, any physical, chemical, biological or radiological substance or matter in the water (see Sec. 403.852(9), Fla. Stat.).

Contamination

For the purposes of Sec. 7-202, Wellfield Protection, only, the presence of any harmful or deleterious substances in the water supply.

Continuous Transit

For the purposes of Sec. 7-202, Wellfield Protection, only, nonstop movement of a mobile vehicle except for stops required by traffic laws.

Contiguous

See Abutting.

Continuing Care Retirement Community

An integrated development that offers senior citizens a full continuum of housing options and assistance, ranging from fully independent dwelling units, to assistance with personal care in assisted living facilities, to long-term skilled nursing care in a nursing home facility.

Contractor's Office

A building or portion of a building used by a building, heating, plumbing, electrical, or other development contractor both as an office and for the storage of a limited quantity of materials,

supplies, and equipment inside the building. If outdoor storage of materials, supplies, or equipment is associated with the office, the use is considered a building, heating/air conditioning, plumbing, or electrical contractor's storage yard.

Controlled Water Depth

Vertical distance measured from the waterbody control elevation to the deepest point of the proposed waterbody.

Convenience Store

A store that specializes in the sale of convenience products and other commodities intended primarily to serve the day-to-day needs of residents in the immediate neighborhood or the traveling public, and which is typically or generally open to the public beyond the normal sales hours of other retail stores. Convenience stores may allow gas sales when the use is specifically included in the use table for the relevant zoning district and on appropriate development orders.

Convention Center or Exhibit Hall

A facility designed to accommodate 2,500 or more persons and used for conferences, seminars, product displays, recreation activities, and entertainment functions, along with accessory functions including temporary outdoor displays, and food and beverage preparation and service for on-premise consumption.

Conversion

Changing of use or density.

Copy (Permanent and Temporary)

The wording on a sign surface, either in permanent or removable letter form.

Copy Area

The entire area within a single continuous perimeter composed of squares or rectangles which enclose the extreme limits of the advertising message, announcement or decoration on a façade or wall sign.

Counseling, nonresidential

Establishments primarily engaged in providing counseling, guidance, training, and rehabilitation services to individuals or families, but which do not provide resident facilities, such as adoption services, child guidance agencies, disaster services, family location services, family (marriage) counseling services, helping hand services (e.g., Big Brother, Big Sister, etc.), job counseling and training, offender rehabilitation agencies and counseling, public welfare centers (offices), referral services for personal and social problems, skills training centers, traveler's aid centers, and vocational rehabilitation agencies.

County

Lee County, Florida.

County Highway System

All existing roads maintained by the Lee County Department of Transportation.

Critical Nesting Habitat (or Bald Eagle Critical Nesting Habitat)

Habitat which, if lost, could result in the elimination of nesting southern bald eagles from the area. Critical eagle nesting habitat typically provides functions for the southern bald eagle during the nesting portion of that species' life cycle. This area includes eagle nest trees and their immediate environs and may include other areas or features such as perch trees, flight paths, and alternate nests within the buffer area. (See Sec. 7-201.A, Southern Bald Eagle.)

Cul-de-sac

Dead-end local street closed at one end by a circular turn-around.

Cultural Facilities, Noncommercial

Facilities of historic, educational, or cultural interest, including animal or reptile exhibits, art galleries, aquariums, botanical or zoological gardens, historical sites, museums, planetaria, and zoos.

Current Assessed Value

Value of a building as shown in the most recent property tax records of Lee County. The property owner, at cost, has the option of providing an independent appraisal to the County. The appraiser will be selected by Lee County. If this method is used, the determination will be binding on the property owner and Lee County, and at the option of the County property appraiser may be used as the official record for the valuation of the property or building.

Day Care Center

A facility or establishment that provides basic services such as, but not limited to, a protective setting, social or leisure time activities, self-care training or nutritional services to three or more adults not related by blood or marriage to the owner or operator, who require services, not including overnight care; or a facility or establishment that provides care, protection, and supervision for six or more children unrelated to the operator and that receives a payment, fee, or grant for the children receiving care, whether or not operated for profit, including preschools and nursery schools. This definition does not include public or nonpublic schools that are in compliance with the Compulsory School Attendance Law, Ch. 232., Fla. Stat.

***De Minimus* Transportation Impact**

An impact created by a use that would not affect more than one percent of the maximum volume at the adopted level of service of the affected road facility as determined by the Director. No impact will be considered *de minimus* if the impact would exceed the adopted level of service standard of an affected designated hurricane evacuation route.

Dead-End Street

Street having only one end open for vehicular access and closed at the other end.

Decorative Pavers or Pavers

Pre-formed paving blocks that are installed on the ground to form patterns while at the same time facilitating pedestrian and vehicular travel.

Degradation

For the purposes of Sec. 7-201.C, Habitat Protection for Additional Listed Species, only, any adverse or negative modification (from the perspective of the subject species) of the hydrological, biological, or climatic characteristics supporting the species or of plants and animals co-occurring with and significantly affecting the ecology of the species.

DEP

Florida Department of Environmental Protection. See also FDEP.

Department Store

A general merchandising store offering a variety of unrelated goods and services that may include clothing, housewares, body products, and specialty items.

Developer

Any individual, firm, association, syndicate, co-partnership, corporation, trust or other legal entity commencing development.

Development and to Develop

The construction of new buildings or other structures on a lot, the relocation of existing buildings, or the use of a tract of land for new uses. To develop means to create a development. However for the purposes of Sec. 7-204, Mangrove Protection, only, any improvement to land including but not limited to building construction; road and driveway construction or widening; utility installation; dock and shoreline activities; and the installation of swimming pools, irrigation systems, fences, or other accessory structures. For the purpose of Section 7-3, Flood Hazard Reduction Standards, only, any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. For purposes of a development order, it includes improvements to land and subdivisions.

Development Area

Total horizontal area of the development property less any area within any existing public road right-of-way or easement.

Development Order

As described in Sec. 163.3164(15), Fla. Stat., and subject to amendment, any order granting, denying, or granting with conditions an application for a development permit.

Development Perimeter

The exterior lot or property lines of the original (parent) tract of any development consisting of subdivided parcels or lots.

Development Permit

As described in Sec. 163.3164(16), Fla. Stat., and subject to amendment, any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land. For the purposes of this LDC it includes but is not limited to: Developments of Regional Impact (DRIs), amendments to the Zoning District Map (Rezoning), planned developments, special exceptions, development orders/limited development orders, zoning variances, flood hazard variances, administrative deviations, any other deviations, a certificate of concurrency compliance, a certificate of concurrency exemption, right-of-way permits, driveway/right-of-way permits, sign permits, temporary use permits, and tree removal permits.

For the purposes of Section 8-2, Concurrency Management, only, a building permit, subdivision approval, development order, limited development order, or other official action of the Village having the effect of permitting the development of land. This definition conforms to that set forth in Sec. 163.3164(16), Fla. Stat., except that it does not include amendments to the Zoning District Map, special exceptions, and variances, which, by themselves, do not permit the development of land.

Dewater

The use of pumps or other equipment to temporarily withdraw water to a lower surface water level, an aquifer water level, or a groundwater level to accommodate development activities.

Direct Light

Light emitted directly from the lamp, off the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

Director

The Director and person in charge of the Village's Community Development Department.

Directory

A sign which gives the name, address, or occupation of persons or businesses located on the premises.

Discharge

For the purposes of Sec. 7-205, Clean Water Provision, only, any material, solid or liquid, that is conveyed, placed or otherwise enters the municipal separate storm sewer system. It includes, without qualification, the discharge of a pollutant.

Ditch

For the purposes of Section 7-4, Marine Facilities, Structures, and Equipment Standards, only, a manmade trench or canal that was built for a non-navigational purpose. (See 33 CFR 329.24 for definition of navigable waterways).

Docking facility

For the purposes of Section 7-4, Marine Facilities, Structures, and Equipment Standards, only, a water-oriented structure designed primarily for the launching, retrieval, storage or mooring of watercraft.

Driveway

A type of access point which provides vehicle access from a road to a single parcel of land containing two or fewer dwelling units in a single structure and from which vehicles may legally enter or leave the road in a forward or backward motion.

Drug Store

An establishment where the principal use is the dispensing of prescription and patent medicines and drugs and related products, but where nonmedical products such as greeting cards, magazines, cosmetics, and photographic supplies may also be sold.

Dryclean and Laundry Services

A facility where retail customers drop off or pick up laundry or dry cleaning and where the cleaning processes are done off-site.

Dry Retention

For the purposes of Sec. 7-202, Wellfield Protection, only, a stormwater storage area with a bottom elevation at least one foot above the control elevation of the area. For all other purposes, a stormwater storage area with a bottom elevation above control elevation.

Dwelling, Live-work

A dwelling unit comprised of a living unit and work unit. The work unit is an area that is designed or equipped exclusively or principally for the conduct of commercial activities and is to be regularly used for such commercial activities by one or more occupants of the living unit.

Dwelling, Mobile Home

A building, manufactured off the site in conformance with the Federal Mobile Home Construction and Safety Standards (24 CFR 3280 et seq.), subsequently transported to a site complete or in sections where it is emplaced and tied down in accordance with Ch. 15C-1, F.A.C., with the distinct possibility of being relocated at a later date.

Dwelling, Multiple-family

A group of three or more dwelling units within a single conventional building, attached side by side, or one above another, or both, wherein each dwelling unit may be individually owned or leased but the land on which the building is located is under common or single ownership. Dwellings, other than caretaker's quarters, which are included in a building that also contains allowed commercial uses will also be deemed to be multiple-family dwellings. A group of two or more dwelling units in a single conventional building that does not meet the definition of two-family attached dwelling is also considered a multiple-family dwelling.

Dwelling, Single-family Residence

A single, freestanding, conventional building designed for one detached dwelling unit on a single lot, which is used for occupancy by one family.

Dwelling, Townhouse

A group of three or more dwelling units attached to each other by a common wall or roof wherein each unit has direct exterior access and no unit is located above another, and each unit is completely separated from any others by a rated firewall or a fire and sound resistant enclosed separation or space, and wherein each dwelling unit is on a separate lot under separate ownership.

Dwelling, Two-family attached

A single, freestanding, conventional building on a single lot designed for two dwelling units attached by a common wall or roof.

Dwelling Unit

A room or rooms connected together, which could constitute a separate, independent housekeeping establishment for a family, for owner occupancy, or for rental or lease on a monthly or longer basis, and physically separated from any other rooms or dwelling units that may be in the same structure, and containing sleeping and sanitary facilities and one kitchen. The term "dwelling unit" does not include rooms in hotels, motels, or institutional facilities.

Easement

A grant of a right to use land for specified purposes. It is a nonpossessory interest in land granted for limited use purposes. Where the term “easement” is preceded by the term “street” or any other adjective, the preceding term describes the easement’s purpose.

Egress and Ingress

For the purposes of Section 7-4, Marine Facilities, Structures, and Equipment Standards, only, interpreting the Manatee Protection Plan, a continuous pathway of deep water that vessels would most likely travel between a facility and a marked channel.

Electric Vehicle (EV) Level 1, 2, or 3 Charging Station

A vehicle parking space served by an electrical component assembly or cluster of component assemblies (battery charging station) designed and intended to transfer electric energy by conductive or inductive means from the electric grid or other off-board electrical source to a battery or other energy storage device within a vehicle that operates, partially or exclusively, on electric energy.

- A Level 1 charging station is a slow-charging station that typically operates on a 15- to 20-amp breaker on a 120-volt Alternating Current (AC) circuit.
- A Level 2 charging station is a medium-speed-charging station that typically operates on a 40- to 100-amp breaker on a 208- or 240-volt AC circuit.
- A level 3 charging station is an industrial grade charging station that operates on a high-voltage circuit to allow for fast charging.

Electronic Changing Message Center

A sign, such as an electronically or electrically controlled public service time, temperature and date sign, message center or reader board, where different copy changes of a public service or commercial nature are shown on the same lampbank.

Emergency Operations Centers

A facility used for organizing and coordinating emergency response activities in a disaster situation such as a hurricane or major flood.

EMS, Fire, or Sheriff’s Stations

A facility used for medical, fire, or law enforcement equipment and personnel. This does not include a freestanding emergency room facility.

Engineer

A professional engineer duly registered and licensed by the state of Florida.

Enlargement and to Enlarge

An addition to the floor area or volume of an existing building, or an increase in that portion of a tract of land occupied by an existing use.

Entrance Gate

Mechanized control device which is located near the point of access to a development which serves to regulate the ingress of vehicles to the interior of the development for the purpose of security and privacy.

Environmental Quality

The character or degree of excellence or degradation in the total essential natural resources of the area as measured by the findings and standards of the physical, natural and social sciences, the arts and technology, and the quantitative guidelines of federal, state and county governments.

Environmentally Sensitive Land

Lands or waters, the development or alteration of which creates or has the potential to create a harm to the public interest due to their value as sources of biological productivity, species diversity, or lands that contributes to the hydrologic integrity of significant natural systems, or contributes substantially to recharge of the Floridan Aquifer. Environmentally sensitive lands are also lands that are indispensable components of various hydrologic regimes, and consequently irreplaceable and

critical habitat for native species of flora and fauna, or as objects of scenic splendor and natural beauty. Among these types of land are those designated wetlands.

EPA

The United States Environmental Protection Agency.

Equipment Enclosure

For the purposes of Sec. 4-143, Wireless Telecommunications, an enclosed structure, cabinet, or shelter used to contain radio or other equipment necessary for the transmission or reception of wireless communications signals and support of a wireless communications facility, but not used primarily to store unrelated equipment or used as habitable space.

Equivalent Residential Connections

The total number of meter equivalents using the methodology of the state public service commission. This term is synonymous with the term “equivalent residential units” used by the state public service commission.

Erect

Build, construct, attach, hang, place, suspend, or affix, and shall include the painting of wall signs.

ERP

Environmental Resource Permit.

Excavation

Stripping, grading, or removal by any process of natural minerals or deposits, including but not limited to peat, sand, rock, shell, soil, fill dirt, or other extractive materials, from their natural state and location.

Excavation, Depth

Vertical distance measured from the lowest existing natural grade along the bank of the proposed excavation to the deepest point of the proposed excavation.

Excess Spoil

Excavated material that will be removed from the premises including “surplus material” as well as material excavated to provide a viable agricultural or recreational amenity.

Expansion of the Capacity of a Road

For purposes of Sec. 8-102, Road Impact Fees, only, all road and intersection capacity enhancements, including but not limited to extensions, widening, intersection improvements, and upgrading signalization.

Exterior Lighting

Temporary or permanent lighting that is installed, located or used in such a manner to cause light rays to shine outside. Fixtures that are installed indoors that are intended to light something outside or act to draw attention are considered exterior lighting.

Exterior Property Line

For the purposes of Section 7-4, Marine Facilities, Structures, and Equipment Standards, only, the side lot line or riparian property line separating two or more lots or parcels under common ownership from the adjoining lots or parcels under separate ownership.

Expressway

An arterial highway, usually divided, designed for the safe and relatively unimpeded movement of large volumes of through traffic, with full or partial control of access and grade separations at most intersections.

FAA

Federal Aviation Administration.

F.A.C.

The Florida Administrative Code.

Façade

The vertical exterior surfaces of a building.

For the purposes of Chapter 6: Signage, only, the face of a building most nearly parallel with the right-of-way line under consideration. Façade includes the area of the building between principal front building corners from the ground to the roofline.

Façade, Primary

Any face of a building that has frontage on a public street. Buildings on corner lots will have two or more primary façades according to the number of public streets fronted.

Face of Sign (Sign Face)

The entire area of a sign on which copy could be placed.

Family

One or more persons occupying a dwelling unit and living as a single, nonprofit housekeeping unit, provided that a group of four or more people who are not related by blood, marriage, or adoption will not be deemed to constitute a family. The term “family” does not include a fraternity, sorority, club, or institutional group.

Farmers’ Market (as a temporary use)

A collection of vendors using private or publicly owned property or property owned by a nonprofit organization for the sale of agricultural and horticultural products grown by the vendor, value-added items produced by the vendor from agricultural, horticultural, or forestry products, or for the sale of foods prepared by the vendor. If the farmers’ market occurs once every two weeks or more frequently for all or most of the year, it is considered a principal use. If the farmers’ market occurs only occasionally or periodically for only a limited time period during the year, it is considered a temporary use.

FCC

Federal Communications Commission

FDEP

Alternative abbreviation for the Florida Department of Environmental Protection. See also DEP.

FDOT

Florida Department of Transportation

Feepayer

For purposes of Chapter 8, Public Facility Funding and Coordination, only, a person commencing a land development activity that will generate or attract traffic, and who is applying to the Village for the issuance of a building permit, mobile home move-on permit, or recreational vehicle development order for a type of land development activity specified in Sec. 8-102.B.1, Schedule, or Sec. 8-103.C.1, Schedule, regardless of whether the person owns the land to be developed.

FEMA

Federal Emergency Management Agency

FGFWFC

The Florida Game and Fresh Water Fish Commission, which has been superseded by the FWC. References to the FGFWFC are interpreted as references to the FWC.

Finger Pier

A dock landing that branches from an access walkway or terminal platform to form a watercraft slip and provide direct access to watercraft moored in the slip. (See Section 7-4, Marine Facilities, Structures, and Equipment Standards.)

Fixture

The assembly that holds the lamp in a lighting system. It includes the elements designed to give light output control, such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment parts.

Flash

An entry or exit mode in an Electronic Changing Message Center with any single frame that repeats two or more times consecutively without change.

Fla. Stat.

The latest edition or supplement of the Florida Statutes.

Fledgling

For the purposes of Sec. 7-201.A, Southern Bald Eagle, only, a young southern bald eagle that is capable of flight and has left the nest, usually at 10-12 weeks of age. Fledglings may return to the nest for several weeks to be fed or to roost.

Flight Path

For the purposes of Sec. 7-201.A, Southern Bald Eagle, only, the route within the buffer area most frequently traveled by eagles directly to and from their nest, perch trees, and important foraging areas.

Florida Greenbook

The Florida Department of Transportation (FDOT) Manual of Uniform Minimum Standards for Design Construction and Maintenance for Streets and Highways (commonly referred to as the Florida Greenbook).

Florida Key West or Cracker

A sub-style of Florida Vernacular architecture that is characterized by a foundation of wood posts, limestone, brick or concrete piers; horizontal weatherboard or clapboard as the primary exterior material; a low-pitched gable roof, with wood shingles or pressed metal shingles; full façade wrap around porch; louvered vents, doors, and window shutters and centrally placed main entrance with transom light above.

Florida Plantation

A sub-style of Florida Vernacular architecture that is characterized by the use of pediment and gable end for accents and columned entry.

Florida Vernacular

A primary architectural style of the Village that is characterized by wooden frame construction and finished with wood siding; however stucco and fiber cement siding are also used; porches are integral to the style and prominent on the front façades; gabled roofs with a slope between 6:12 and 12:12 with deep two and four feet overhangs; vertically proportioned and aligned openings; and simple classic detail and trim.

Florist and Gift Shop

An establishment primarily engaged in selling flower arrangements, plants, cards, small gifts, and the like.

FLUCFCS

The Florida Land Use, Cover and Forms Classification System, published by the FDOT. FLUCCS is also an appropriate shortening in official use. (See Sec. 7-201.C, Habitat Protection for Additional Listed Species)

Food or Beverage, Limited Service

The provision of food or beverages for members and guests of a private club or recreational center, but not available to the general public.

Foot-candle

Illuminance produced on a surface one foot from a uniform point source of one candela. Measured by a light meter.

Franchised Service Area

For the purposes of Section 5-10, Utilities, the geographic area within which a potable water utility and/or sanitary sewer utility has been authorized to provide service in accordance with a franchise agreement with Lee County.

Frontage

The distance measured along a public road right-of-way or a private street easement between the points of intersection of the side lot lines with the right-of-way or easement line.

Frontage Road

A type of access road which runs parallel to the adjacent arterial or collector street right-of-way and which separates the abutting properties from the right-of-way.

Fuel Pump

A vehicle fuel dispensing device, other than a portable fuel container or fuel dispensing vehicle, which can be self-service or full-service. A single fuel pump is a fuel pump that can serve only one vehicle at-a-time. Vehicle fuel dispensing devices that can service more than one vehicle at-a-time consists of multiple fuel pumps. The number of pumps is determined by the maximum number of vehicles that can be serviced at the same time. For example, a fuel dispensing device that can fuel two vehicles at once is considered two fuel pumps, and a fuel dispensing device that can fuel three vehicles at once is considered three fuel pumps, and so on.

Full Cutoff

That a light fixture in its installed position does not emit any light, either directly or by reflection or diffusion, above a horizontal plane running through the lowest light-emitting part of the fixture. Additionally, the fixture in its installed position does not emit more than ten percent of its total light output in the zone between (a) the horizontal plane through the lowest light-emitting part of the fixture; and (b) ten degrees below the horizontal plane (80 degrees above the vertical plane).

Fully Shielded

That a light fixture is constructed so that in its installed position all of the light emitted by the fixture is projected below the horizontal plane passing through the lowest light-emitting part of the fixture.

Functionally Dependent Facility

For the purposes of Section 7-3, Flood Hazard Reduction Standards, only, a facility that cannot be used for its intended purpose unless it is located or carried out in close proximity to water, limited to a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

Funeral Homes or Mortuaries

A building used for human funeral services. A funeral home may contain facilities for embalming and other services used in the preparation of the dead for burial, the display of the deceased, the performance of ceremonies in connection with a funeral, the performance of autopsies and similar surgical procedures, the sale and storage of caskets, funeral urns, and other related funeral supplies, and the storage of funeral vehicles. Some funeral homes include associated crematories, where permitted.

FWC

Florida Fish and Wildlife Conservation Commission or its successor.

Game Commission

An outdated term in some supporting materials originating from Lee County that may be incorporated by reference. References to the Game Commission are interpreted as references to the FWC.

Garage

A building or structure for the parking or storage of motor vehicles, including but not limited to a private garage provided for the parking of motor vehicles owned by the occupants of the principal building and a public garage available to the public, whether or not a fee is collected. Such garages may not involve the repair or servicing of any motor vehicles.

Garage or Carport, Personal

A structure used or designed for the parking and storage of motor vehicles or boats. A garage is an enclosed building whereas a carport is a roofed structure open on one or more sides. Garages and

carports are commonly attached to and considered part of a dwelling or other principal building, but may exist as a detached accessory structure.

Garage Sale

An informal sale of used household or personal articles, such as furniture, tools, or clothing, held on the seller's own premises, or conducted by several people on one of the sellers' own premises.

Gatehouse

A structure which is located near the point of access to a development in which an individual controls access to that development for the purpose of security and privacy.

Geographic Search Area

For the purposes of Sec. 4-143, Wireless Telecommunications, the area in which an antenna is proposed to be located in order to provide the provider's designed service.

Glare

Bright or brilliant light emitting from a point source of light, or reflected or refracted from a point source of light, with an intensity great enough to:

- (1) Reduce an observer's ability to see;
- (2) Cause an observer to experience momentary blindness, or a temporary loss of visual performance or ability; or
- (3) Cause an observer with normal sensory perception annoyance or discomfort to the degree which constitutes a nuisance.

Grocery Store or Food Market

A store primarily engaged in selling food for home preparation and consumption. This group shall not be interpreted to include establishments primarily engaged in selling prepared foods or drinks for consumption on the premises. This use includes: retail bakeries, confectionery stores, dairy products not including ice cream or frozen custard stands, delicatessens, enclosed fruit and vegetable markets, groceries, meat or poultry markets without on-site slaughtering; produce markets, specialty food stores (including but not limited to health foods, spices, herbs, coffee, tea, vitamins, dietetic foods and mineral water), meat products and food from freezer storage, and supermarkets.

Golf Course

An area of land laid out for playing golf. Accessory recreational facilities, such as driving ranges, putting greens, a country club, concessions for serving food and refreshments to members and guests, swimming pools, tennis and other racquet courts, picnic areas, and accessory facilities directly related to golf, may be included.

Golf Course, Miniature

A recreational facility for the playing of a novelty version of golf with a putter, typically with artificial playing surfaces and theme-oriented obstacles such as bridges and tunnels.

Golf Driving Range

A recreational facility for driving golf balls onto a range, sometimes accompanied by practice putting greens, but not as a part of an established golf course with one or more holes.

Government Maintenance Facility

A facility owned by the Village or another governmental entity to provide for the adequate operation and maintenance of public facilities and infrastructure.

Government Agency

Any department, commission, independent agency, or instrumentality of the United States, the state, the County, or the Village, district or other governmental unit.

Greenhouse

A structure, primarily of glass, in which temperature and humidity can be controlled for the cultivation or protection of plants.

Green Roof

A roof of a structure that is partially or completely covered with vegetated landscape built up from a series of layers. Green roofs are constructed for multiple reasons – as spaces for people to use, as architectural features, to add value to property or to achieve particular environmental benefits (for example, stormwater capture and retention, improved species diversity, insulation of a building against heat gain or loss, and energy conservation). Vegetation on green roofs is planted in a growing substrate (a specially designed soil substitution medium) that may range in depth, depending on the weight capacity of the structure's roof and the aims of the design.

Groundwater

The water that occurs below the land surface where the pore spaces in the subsurface formations are fully saturated and under atmospheric or greater pressure.

Gymnasiums and Health and Fitness Clubs

A non-medical service establishment intended to maintain or improve the physical condition of persons which contains exercise and game equipment and facilities, steam baths and saunas, or similar equipment and facilities.

Habitable floor

Any floor area usable for living purposes, including working, sleeping, eating, cooking, or recreation, or any combination thereof. Bathrooms, toilet compartments, closets, halls, storage or utility space and similar areas are not considered habitable floor space.

Habitat

For the purposes of Sec. 7-201.C, Habitat Protection for Additional Listed Species, only, the place or type of site where a species naturally or normally nests, feeds, resides or migrates, including, for example, characteristic topography, soils and vegetative covering.

Habitat, Critical

For the purposes of Sec. 7-201.C, Habitat Protection for Additional Listed Species, only, habitat which, if lost, would result in elimination of listed species individuals from the area in question. Critical habitat typically provides functions for the listed species during restricted portions of that species' life cycle.

Habitat, Occupied

For the purposes of Sec. 7-201.C, Habitat Protection for Additional Listed Species, only, property that provides critical habitat and which is documented to be actively utilized by a listed species.

Habitat, Significantly Altered

For the purposes of Sec. 7-201.C, Habitat Protection for Additional Listed Species, only, critical or occupied habitat which has been altered due to natural or man-made events.

Hazardous Substance

For the purposes of Sec. 7-202, Wellfield Protection, only, a substance that has one or more of the following characteristics: ignitability, corrosivity, reactivity, EP toxicity, or toxicity.

Hazard to Navigation

For the purposes of Section 7-4, Marine Facilities, Structures, and Equipment Standards, only, a watercraft or structure erected, under construction, or moored that obstructs the navigation of watercraft proceeding along a navigable channel or obstructs reasonable riparian access to adjacent properties.

Helipad (as an accessory use)

A facility located on the roof of or on the ground beside an office or other building (like a hospital) that accommodates the landing and taking-off of helicopters.

High Pressure Sodium or HPS

A bulb that is filled with high pressure sodium vapor. HPS emits a yellow/orange light but color correct lamps are available.

Historic Koreshan

A sub-style of Florida Vernacular architecture that is characterized by simple shape massing, hip and gable roofs, covered porches, exposed members, decorative roof elements, and clap board siding.

Hobby and Craft Shop

A retail store primarily selling toys, games, crafts, and model supplies.

Home, Building, and Garden Supplies Store

An establishment primarily engaged in retailing a general line of new home repair and improvement materials and supplies, such as lumber, plumbing goods, electrical goods, tools, house wares, appliances, hardware, and lawn and garden supplies.

Home Care Facility

A conventional residence in which up to five unrelated persons are cared for, but without provision for routine nursing or medical care.

Home Occupation

An occupation customarily carried on by an occupant of a dwelling unit as an accessory use which is clearly incidental to the use of the dwelling unit for residential purposes.

Hospital

An establishment primarily engaged in providing diagnostic services, extensive medical treatment, including surgical services, and other hospital services, as well as continuous nursing services. These establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide complete health care. A freestanding emergency room is considered a hospital.

Hotel or Motel

A building, or group of buildings on the same premises and under single control, consisting of ten or more sleeping rooms kept, used, maintained, or advertised as, or held out to the public to be, a place where sleeping accommodations are supplied for pay to transient guests or tenants.

Human Scale and Proportion

The adequate positioning of building details and attributes that take into consideration the approximate eye level and average human height, in order to create a sense of its presence, or simply for it to be perceived and appreciated when encountered.

Hurricane Evacuation Routes

The routes designated by the state agency that have been identified with standardized statewide directional signs, or are identified on the regional hurricane evacuation study for the movement of persons to safety in the event of a hurricane. (See Section 7-5, Hurricane Preparedness)

Hurricane Shelter Space

At minimum, an area of 20 square feet per person located within a hurricane shelter. (See Section 7-5, Hurricane Preparedness)

Hurricane Vulnerability Zone

The areas delineated by a regional hurricane evacuation study as requiring evacuation in the event of a land-falling category 3 hurricane event. (See Section 7-5, Hurricane Preparedness).

Illicit Discharge or Illicit Stormwater Discharge

Any discharge not composed entirely of stormwater into the MS4, including, but not limited to, discharge from a construction site or an industrial site that has the potential to impact the MS4. Non-stormwater discharges made in accordance with an approved development order, an independent NPDES permit, as a result of fire fighting activities, or otherwise specifically exempted will not be deemed an illicit discharge. (See Sec. 7-205, Clean Water Provision).

Illuminance

Density of luminous flux incident on a surface. Unit is foot-candle.

Illuminating Engineering Society of North America or IESNA

The professional society of lighting engineers, including those from manufacturing companies, and others professionally involved in lighting.

Impervious Coverage

The percent or ratio of land in a development covered by an impervious surface.

Impervious Surface

Those surfaces which do not absorb water, and includes all water bodies, structures, driveways, streets, sidewalks, other areas of concrete, asphalt, compacted layers of limerock or shell, and certain parking areas. In the case of storage yards, areas of stored materials constitute impervious surfaces.

Impound Yard

Facility used for the temporary storage of vehicles or other personal property legally removed or impounded from public or private property that is not awaiting immediate repair pursuant to an agreement by the vehicle owner or property owner.

In Public Rights-of-Way

For the purposes of Sec. 4-143, Wireless Telecommunications, in, on over, under or across the public rights-of-way.

Inactive Nest

For the purposes of Sec. 7-201.A, Southern Bald Eagle, only, a nest that was not used during the current or most recent nesting season.

Increase in Intensity

A significant or substantial increase in the intensity of the land use for a particular parcel which could reasonably be determined to adversely impact neighboring or surrounding land uses or is otherwise detrimental to public health, safety or welfare. Shifts of types of uses, or conversion of uses from one type of use to another, within the same planned development, which do not increase overall intensities of the development may be deemed an Increase in Intensity if such shifts or conversions adversely impact surrounding land uses, either within the overall planned development or external thereto, and which adverse impacts were not reviewed as a part of the existing zoning approval. For purposes hereof, an increase in the intensity of a parcel by ten percent or more in size, height, lot coverage, floor area ratio, or traffic generation with respect to a development parcel shall be deemed to be an increase in intensity. Increase in these parameters by a lesser amount may also be deemed to be an increase in intensity if it will adversely impact surrounding land uses.

Increase Nonconformity

Any one of an infinite number of differing combinations of change which, in effect, would make a use of land or structures already not in conformance with this LDC, less in compliance with this LDC after the change than the use or structure was prior to the change.

Indigenous Native Vegetation

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

Indirect Light

Direct light that has been reflected or has scattered off of other surfaces.

Individual Sewage Disposal System or Facility

Sewage systems which include a septic tank, a system of piping, and a soil absorption bed or drainfield, as further defined and regulated by Ch. 381, Fla. Stat., and Ch. 10D-6, F.A.C.

Industrial

For purposes of Chapter 8, Public Facility Funding and Coordination, only, the use of a building or structure primarily for the storage, packaging, or distribution of goods; the assembly, fabrication, or

manufacture of goods, either from raw materials or other goods; and the basic processing of foodstuffs.

Industrial Activity

For the purposes of Sec. 7-205, Clean Water Provision, only, see: Sec. 7-205.E.1, Industrial Activity Classification.

Industrial Site

For the purposes of Sec. 7-205, Clean Water Provision, only, see: Sec. 7-205.E.1, Industrial Activity Classification.

Infill Development

Development, redevelopment, or reuse of vacant and underutilized sites surrounded by existing development and where street access is available.

Intensity of Use

The extent to which nonresidential land is used as measured in terms of square footage of buildings, impervious surfaces, traffic generation, water consumption, and sewage created.

Interior Access Drive/Road

Any vehicular road, excluding alleys or driveways, located within the confines of the property.

Internal Block

A block that does not front on an arterial or collector road.

Intersection

The general area where two or more roads, streets, accessways or access points join or cross.

Invasive Exotic Vegetation

For the purposes of Sec. 7-204, Mangrove Protection and and Section 7-4, Marine Facilities, Structures, and Equipment Standards, only, Australian pine (*Casuarina* spp.), Brazilian pepper (*Schinus terebinthifolius*), paper or punk tree (*Melaleuca quinquenervia*), Earleaf Acacia (*Acacia Auriculiformis*), beach naupaka (*Scaevola frutescens* or *Scaevola taccada*), and primrose willow (*Ludwigia peruviana*). For all other purposes, non-native plants with the potential to establish themselves and cause undesirable effects, including but not limited to outcompeting native vegetation.

Investor-owned Utility

For the purposes of Section 5-10, Utilities, a utility that is owned by investors who may or may not be customers of the utility.

Iso-Travel Time Contour

The locus of points from which groundwater takes an equal amount of time to reach a given destination such as a well or wellfield. (See Sec. 7-202, Wellfield Protection).

Italian Countryside

A sub-style of the Mediterranean Revival architectural style that is characterized by two or three stories, rarely one story construction; low-pitched roof, decorative parapet, widely overhanging eaves; large, decorative brackets under an ornamental cornice; tall, narrow windows commonly arched or curved above; an occasional square cupola or tower (*campanile*); elaborate wrap-around porch (or smaller entry porch) with decorative Italianate double columns.

Italian Renaissance Revival

A sub-style of the Mediterranean Revival architectural style that is characterized by low-pitched, hipped roofs, often with ceramic tiles; rooflines with wide, overhanging eaves with large, decorative brackets under the roofline; doors and windows are often framed with round arches, primarily on the first floor, sometimes in the form of an Italian loggia, or covered patio; the entryway will often be framed with classical columns with occasional pediments, and façade is usually symmetrical.

Kennel

A facility where domesticated animals are temporarily boarded, groomed, and sold for compensation, as a part of uses including animal day care/spa facilities or animal clinics, but not including zoos.

Lamp

The source of electric light; the component of a luminaire that produces the actual light; the bulb and its housing. This is to be distinguished from the whole assembly. (See luminaire).

Land

Has the meaning given it in Ch. 163, Fla. Stat. (“the earth, water, and air, above, below, or on the surface, and includes any improvements or structures customarily regarded as land”).

Land Development Activity

For purposes of Chapter 8, Public Facility Funding and Coordination, only, any change in land use, or any construction of buildings or structures, or any change in the use of any building or structure that attracts or produces vehicular trips.

Land Use

“Land use” has the meaning given it in Ch. 163, Fla. Stat. (“the development that has occurred on the land, the development that is proposed by a developer on the land, or the use that is permitted or permissible on the land under an adopted comprehensive plan or element or portion thereof, land development regulations, or a land development code, as the context may indicate”).

Land Development Code (LDC)

The term “Land Development Code” means this Land Development Code.

Landowner

Any owner of a legal or equitable interest in land, including the heirs, devisees, successors, assigns, and agent or personal representative of the owner. In addition, the holder of an option or a contract to purchase may be treated as a landowner for the purpose of this LDC.

Landscape Architect

A professional landscape architect duly registered and licensed by the state.

Laundry, Self-Service

A business that provides coin-operated washing, drying, and/or ironing machines for hire to be used by customers on the premises.

Lawfully

A building or use which was permitted by right, special exception, or other action approving the use or placement of a structure (such as by variance), at the time it was built or occupied, and such building or use was located in compliance with the regulations for the district in which it is located, or in accordance with the terms of the variance.

Level of Service

For purposes of Sec. 8-102, Road Impact Fees, and Sec. 8-203, Certificate of Concurrency, only, a qualitative measure that represents the collective factors of speed, travel time, traffic interruption, freedom to maneuver, driving comfort and convenience provided by a highway facility under a particular volume condition. Levels of service vary from A to F. (Level of service D, for example, represents high-density, but stable, flow. Speed and freedom to maneuver are severely restricted, and the driver or pedestrian experiences a generally poor level of comfort and convenience. Small increases in traffic flow or disruptions will generally cause substantial increases in delay and decreases in travel speed, the influence of congestion becomes more noticeable, longer delays result at traffic signals and stop signs, and crossing movements face a high probability of conflict.)

Licensed Contractor

A person holding a valid state- or local-issued contractor’s license class A or B. A contractor must also have a current Certificate of Insurance for liability and workers’ compensation and/or a current workers’ compensation exemption status with the State of Florida.

Light, Beacon

Any light with one or more beams, capable of being directed in any direction, or capable of being revolved automatically, or having any part thereof capable of being revolved automatically; or, a fixed or flashing high-intensity light.

Light Loss Factor

A percentage applied to the actual anticipated foot-candle levels of a fixture, that reduces the calculated light level output on the photometric plan to account for lower light level output from a fixture due to the age of the bulb, and dirt that occurs over time.

Light Pollution

Any adverse effect of artificial light emitted into the atmosphere, either directly or indirectly by reflection, including, but not limited to, light trespass, uplighting, the uncomfortable distraction to the eye, night blindness, or any manmade light that diminishes the ability to view the night sky or interferes with the natural functioning of nocturnal native wildlife.

Light Trespass

Light emitting from a point source of light that falls outside the boundaries of the property on which the point source of light is located and which constitutes a nuisance to a reasonable person of normal sensory perception.

Lighting

Any or all parts of a luminaire that function to produce light.

Linear Shoreline

For the purposes of Section 7-4, Marine Facilities, Structures, and Equipment Standards, only, the mean high water line in tidally influenced areas and the ordinary high water line along waterways that are not tidally influenced. This definition does not apply to shorelines artificially created after October 24, 1989 through dredge and fill activities (such as boat basins or canals). Shorelines artificially created before October 24, 1989 must have been permitted in accordance with the regulations in effect at that time. Shoreline along man-made ditches (such as mosquito control, flood control ditches, etc.) will not qualify as linear shoreline, regardless of the date of construction unless verifiable documentation of regular navigational use prior to July 1, 2004 exists. For purposes of the Manatee Protection Plan, linear shoreline will be calculated using survey quality aerial photographs or by accurate field survey. The calculation of linear shoreline for purposes of Chapter 7: Natural Resources is based upon shoreline owned or legally controlled by the property owner.

Liner Building/Structures

Additional buildings located along a big box type structure to mask blank and unadorned walls. Liner buildings may also be used to provide transitional massing to the big box. Liner buildings may either be attached to the big box or be within 15 feet of the big box. Liner buildings may either be an enclosed, partially enclosed, or a covered structure, including covered walkways.

Liquid Waste

For the purposes of Sec. 7-202, Wellfield Protection, only, sludge, septic or other liquid waste from wastewater treatment plants, septic tanks, grease traps or sediment traps.

Liquor

A beverage as defined in Ch. 565, Fla. Stat.

Liquor License

A license issued by the state for the retail sale, service, and consumption of liquor.

Listed Species

For the purposes of Sec. 7-201.C, Habitat Protection for Additional Listed Species, only, any plant or animal (vertebrate) species found in the Village that are endangered, threatened, or of special concern and are manageable in the context of private land development. A list of such species is contained in Appendix H: Protected Species List, but excludes the bald eagle (*Haliaeetus leucocephalus*) so long as Sec. 7-201.C, Habitat Protection for Additional Listed Species, is in effect.

Littoral zone

The shallow-water region of a waterbody where sunlight penetrates to the bottom. (See Section 7-4, Marine Facilities, Structures, and Equipment Standards).

Live-aboard

For the purposes of Section 7-4, Marine Facilities, Structures, and Equipment Standards, only, use of a boat as a living unit for temporary or permanent human habitation; or any boat or vessel represented as a place of business, a professional or other commercial enterprise, or a legal residence. To be a legal live-aboard for purposes of that section, a boat shall contain sleeping facilities, kitchen facilities and an approved discharge device. A commercial fishing boat is expressly excluded from the term “live-aboard” in accordance with Ch. 327, Fla. Stat.

Living Unit

Any temporary or permanent unit used for human habitation.

Loading Area

A portion of the vehicular use area of a site that is used for loading or unloading of materials by trucks or other large vehicles, including accessways for ingress and egress.

Local Planning Agency (LPA)

The Planning Zoning and Design Board performing the functions set forth in Sec. 163.3174, Fla. Stat.

Lost Nest

For the purposes of Sec. 7-201.A, Southern Bald Eagle, only, a nest where the nest or nest tree is destroyed by natural causes (e.g., nest that fell apart or was blown out of a tree, or the tree itself was lost), and is not rebuilt in the same tree within three nesting seasons.

Low-Pressure Sodium

A bulb that is filled with low pressure sodium vapor, that has a nearly monochromatic spectrum. Low-pressure sodium bulbs emit light that is deep orange in color.

Luminaire

The complete lighting assembly including the lamp, the fixture and other parts, less the support assembly.

Lumen

A unit of light emission. For example, incandescent light bulbs with outputs of 60, 75, and 100 watts emit approximately 840, 1170, and 1690 lumens, respectively.

Mall

A structure with multiple tenants with an internal public circulation spine (roofed or not roofed) with more than 450,000 square feet of retail space.

Maintain

For the purposes of Chapter 6: Signage, only, to preserve from decline, keep in an existing state, or retain in possession or control. For all other purposes, maintenance of property, development, facilities, or improvements.

Management

For the purposes of Sec. 7-201.C, Habitat Protection for Additional Listed Species, only, a series of techniques applied to maintain the viability of species in a location. These techniques include but are not limited to controlled burning, planting or removal of vegetation, exotic species control, maintaining hydrologic regimes, and monitoring.

Management Plan

For the purposes of Sec. 7-201.C, Habitat Protection for Additional Listed Species, only, a plan prepared to address conservation and management of listed species and their habitat, which is approved by the Director.

Manatee Protection Plan

The Lee County Manatee Protection Plan, dated June 17, 2004, approved by the Lee County Board of County Commissioners on June 29, 2004, as amended.

Mangrove

Any specimen of the species black mangrove (*Avicennia germinans*), white mangrove (*Laguncularia racemosa*), red mangrove (*Rhizophora mangle*), or any tree that otherwise satisfies a definition for mangrove in the F.A.C. For purposes of Sec. 7-204, Mangrove Protection, only, mangrove shall the same meaning as provided by the F.A.C.

Mangrove Alteration

As defined by the F.A.C. (See Sec. 7-204, Mangrove Protection)

Mangrove Stand

For the purposes of Section 7-3, Flood Hazard Reduction Standards, only, an assemblage of mangrove trees, which are mostly low trees noted for a copious development of interlacing adventitious roots above the ground, which contains one or more of the following species: black mangrove (*Avicennia nitida*), red mangrove (*Rhizophora mangle*), white mangrove (*Languncularis racemosa*) and buttonwood (*Conocarpus erecta*).

Manufactured Home

A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used when connected to the required utilities. This definition includes mobile homes, as defined in Sec. 320.01(2), Fla. Stat., but does not include a recreational vehicle, as defined in Ch. 320, Fla. Stat. However, a manufactured home is not a manufactured building as defined in Ch. 553, pt. IV., Fla. Stat.

Manufacturing, Assembly, or Fabrication, Light

Facilities primarily engaged in manufacturing uses that involve the mechanical transformation of predominantly previously prepared materials into new products, including assembly of component parts and the creation of products for sale to the wholesale or retail markets or directly to consumers. Such uses are wholly confined within an enclosed building, do not include processing of hazardous gases and chemicals, and do not emit noxious noise, smoke, vapors, fumes, dust, glare, odor, or vibration. Examples include, but are not limited to: computer design and development; apparel production; sign making; assembly of pre-fabricated parts, manufacture of electric, electronic, or optical instruments or devices; manufacture and assembly of artificial limbs, dentures, hearing aids, and surgical instruments; manufacture, processing, and packing of cosmetics; and manufacturing of components.

Marginal Dock

A dock that runs parallel and adjacent to the shoreline. This term includes docks with a maximum access walkway length of 25 feet, to a dock running parallel to the shoreline and adjacent to wetland vegetation. (See Section 7-4, Marine Facilities, Structures, and Equipment Standards).

Marquee

A board or other permanent roof-like structure which projects from a wall of a building, usually above an entrance. See Awning and Canopy.

Maximum Extent Practicable

A situation where no feasible or practical alternative exists, as determined by the Director, and all possible efforts to comply with the standards or regulation or minimize potential harmful or adverse impacts have been undertaken by an applicant. Economic considerations may be taken into account but shall not be the overriding factor determining "maximum extent practicable."

Mean High Water

For the purposes of Section 7-4, Marine Facilities, Structures, and Equipment Standards, only, the average height of the high waters over a 19-year period. For shorter periods of observation, "mean high water" means the average height of the high waters after corrections are applied to eliminate known variations and to reduce the result to the equivalent of a mean 19-year value.

Mean High-Water Line

For the purposes of Section 7-4, Marine Facilities, Structures, and Equipment Standards, only, the intersection of the tidal plane of mean high water with the shore.

Mean Low Water

For the purposes of Section 7-4, Marine Facilities, Structures, and Equipment Standards, only, the average height of the low waters over a 19-year period. For shorter periods of observation, “mean low water” means the average height of the low waters after corrections are applied to eliminate known variations and to reduce the result to the equivalent of a mean 19-year value.

Mean Low-Water Line

For the purposes of Section 7-4, Marine Facilities, Structures, and Equipment Standards, only, the intersection of the tidal plane of mean low water with the shore.

Medical or Dental Lab

Establishments primarily engaged in providing professional analytic or diagnostic services to the medical profession, or to the patient on prescription of a physician, or in making dentures and artificial teeth for the dental profession.

Medical Marijuana Dispensary

A location that satisfies “dispensing facility” as provided at Rule 64-4.001, F.A.C., and includes any area approved by the Florida Department of Health for the dispensation of medical marijuana.

Mediterranean Revival

A primary architectural style of the Village that is highly articulated with varied massing and architectural features; towers, balconies, loggias, porticos, chimneys, trellises, and exterior staircases are assembled to form picturesque buildings with multiple building volumes and setbacks, and varied building heights; arcades and loggias are also commonly used to reinforce the base, middle, and/or top of the building; building massing tends to be irregular with a variety of shapes and heights.

Micro Wireless Facility

For the purposes of Sec. 4-143, Wireless Telecommunications, a small wireless facility having dimensions not larger than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, no longer than 11 inches.

Mission Revival

A sub-style of the Mediterranean Revival architectural style that is characterized by mission-shaped dormers and/or roof parapet; wide, overhanging eaves with exposed rafter beams, red-tiled roof, stucco walls, and arched windows or doors on the ground level.

Mitigation Park

For the purposes of Sec. 7-201.C, Habitat Protection for Additional Listed Species, only, an area acquired with the express purpose of mitigating impacts of land development on listed species.

Mixed-use Development

A development of a tract of land, building, or structure with a variety of complimentary and integrated uses, such as, but not limited to, residential, office, retail, public, or entertainment, in a compact urban form. A combination of two similar uses (for example two residential uses or two commercial uses) shall not be deemed a “mixed-use” development.

Mobile Home Move-On Permit

For purposes of Chapter 8, Public Facility Funding and Coordination, only, an official document or certification authorizing any purchaser, owner, mover, installer or dealer to move a mobile home onto a particular site. It also includes a permit authorizing the tiedown of a park trailer in a mobile home zoning district.

Mobile Home Space

Plot of ground within a mobile home park designed for the accommodation of one mobile home. Related accessory buildings, patios, and cabanas may also be accommodated.

Model

For the purposes of Chapter 6: Signage, only, a residential dwelling unit which is not for sale or immediate sale but represents a particular unit design of similar units that are for sale in the same residential complex. See also Model Home/Unit.

Model Home/Unit

A dwelling, dwelling unit, or other marketable unit of a new development that is used for real estate sales or leasing activities associated with the development pending construction of the development and the initial sales of homes or units in the development, but not including the actual sales transaction itself. See also Model.

Monitor Well

For the purposes of Sec. 7-202, Wellfield Protection, only, a well used primarily to monitor hydrologic parameters such as water levels or water quality, also known as an observation well. (See Rule 40E-3.021(19), F.A.C.)

Moor

To secure a vessel with lines.

Mooring Area

For the purposes of Section 7-4, Marine Facilities, Structures, and Equipment Standards, only, the portion of a docking facility used for the mooring of watercraft.

Moving and Storage Facility

A facility primarily engaged in providing local or long-distance trucking of used household, used institutional, or used commercial furniture and equipment. Incidental packing and storage activities are often provided by these establishments.

MS4

Village of Estero Municipal Separate Storm Sewer System (See Sec. 7-205, Clean Water Provision)

Multi-Slip Docking Facility

Two or more docks that provide vessel mooring slips to unrelated individuals, either for rent or for sale. A multi-slip docking facility is distinguished from a marina in that it has no commercial activity associated with it, including boat rentals. The term “multi-slip docking facility” does not include boat ramps. (See Section 7-4, Marine Facilities, Structures, and Equipment Standards.)

Multiple-Occupancy Complex

For the purposes of Chapter 6: Signage, only, a parcel of property under one ownership or singular control, or developed as a unified or coordinated project, with a building or buildings housing more than one occupant conducting a business operation of any kind.

Nameplate, Professional

For the purposes of Chapter 6: Signage, only, an identification sign bearing only the name, address, and the occupation of the occupant.

Nameplate, Residential

For the purposes of Chapter 6: Signage, only, an identification sign bearing only property numbers, street addresses, mailbox numbers, estate names, or names of the occupants of the premises.

Nature Center

An area intended to remain in a predominantly natural or undeveloped state and buildings or facilities that educate or assist visitors in interpreting and appreciating the natural environment.

Navigable Channel

For the purposes of Section 7-4, Marine Facilities, Structures, and Equipment Standards, only, the area within a natural waterbody that has a minimum of three feet of water depth at mean low water.

Nesting Season

For the purposes of Sec. 7-201.A, Southern Bald Eagle, only the period from October 1 to May 15, unless the young fledge is born after May 15.

Nestling

For the purposes of Sec. 7-201.A, Southern Bald Eagle, only, a young eagle (eaglet) that is incapable of flight and is dependent of its parents. Once an eaglet fledges (i.e., leaves the nest), it becomes a fledgling.

Newspaper/Periodical Publishing Establishment

An establishment primarily involved in carrying out operations necessary for producing and distributing newspapers and magazines, including gathering news; writing news columns, feature stories, and editorials; selling and preparing advertisements; and publishing of newspapers in print or electronic form. Not included are establishments primarily engaged in printing publications without publishing (categorized as manufacturing and production uses) or education or membership organizations incidentally engaged in publishing magazines or newsletters for distribution to their membership.

Noise

Sound or vibrations which are defined as either noise or noise disturbance in the County Noise Ordinance, Ordinance No. 82-32, as amended by Ordinance No. 83-22, and as subsequently amended.

Nonconforming Building or Structure, Lot or Use

An existing building or structure, lot or use, lawful when established, which fails to comply with any provisions of this LDC, or which fails to comply as the result of subsequent amendments. See Chapter 9: Nonconformities.

Non-Essential Lighting

Lighting that is not necessary for an intended purpose after the purpose has been served. For example, lighting for a business sign, architectural accent lighting, and parking lot lighting, may be considered essential during business or activity hours, but is considered non-essential once the activity or business day has concluded.

Nonresidential Land Use or Activity

For the purposes of Sec. 7-202, Wellfield Protection, only, any applicable land use or activity which occurs in any building, structure or open area which is not used primarily as a private residence or dwelling. In addition, any land use or activity which produces, stores, uses, or handles more than 110 gallons or 1,100 pounds of a regulated substance is presumed to be a nonresidential land use or activity.

Nursing Home

Establishments primarily engaged in providing nursing and health-related personal care, with at least one shift with a licensed or registered nurse to provide routine health care and observation or an organized medical staff, including physician and continuous nursing services. This includes nursing care and hospice facilities, but not hospitals.

Obstruction

An item placed on or permanently in a bikeway or pedestrian facility such as light poles, parking meters, newspaper stands, trash cans, mailboxes, and street furniture that reduce the minimum width of the facility for some distance.

Occupied Habitat Buffer Area

For the purposes of Sec. 7-201.C, Habitat Protection for Additional Listed Species, only, occupied habitat, the dimensions of which coincide with the recommended buffers in Sec. 7-201.C.

Office, Contractor's

See Contractor's Office.

Office, General Business

Offices used for conducting the affairs of various businesses, general businesses, or nonprofit organizations; including administration, record keeping, clerical work, and similar business functions, as well as conducting of the affairs of professionals, such as architects, doctors, dentists, engineers, attorneys, accountants, planners and the like.

On-Road Facility, Bikeway, or Bike Lane

A paved shoulder, bike lane or undesignated bike lane that is contiguous with the automobile travel lanes. This area may be used as a bike facility, but such use is not deemed exclusive.

Open Space

For the purpose of bonus density calculations only, land owned by the Village for the use and enjoyment of the public and maintained with minimal buildings or improvements.

Open Space Square

An outdoor common space. Open space squares shall have a minimum average dimension of 30 feet and a maximum average dimension of 65 feet. Open space squares may be interconnected to form a larger square or a series of squares and shall be integrated into the pedestrian circulation pattern for the project. Open space squares shall also be located in the front or middle of the development parcel.

Operating Permit

A permit required in accordance with Sec. 7-202, Wellfield Protection.

Ordinance

A legislative enactment of the Village or adopted by another lawful government.

Outdoor Display of Merchandise (as accessory to a retail sales use)

The placement of products or materials for sale outside the entrance of a retail or wholesale sales establishment.

Outdoor Storage (as an accessory use)

Outdoor storage as an accessory use is the keeping, in an area not enclosed by a building on the site of a principal use, of any goods, material, merchandise, or vehicles associated with the principal use in the same place for more than 24 hours. Delivery vehicles shall not be used to avoid outdoor storage standards. If a trailer or truck or delivery vehicle is not unloaded and remains on a site for more than 24 hours, it is deemed to be outdoor storage and shall be regulated as such. This use does not include a junkyard or salvage yard which is not allowed in the Village, or the display and storage of vehicles as part of an automobile, recreational vehicle, trailer, or truck sales or rental use.

Outpatient Care Facilities

Establishments primarily engaged in outpatient care with permanent facilities and with medical staff to provide diagnosis or treatment, or both, for patients who are ambulatory and do not require inpatient care.

Overall Height

For the purposes of Sec. 4-143, Wireless Telecommunications, the height of a wireless communications facility but without any adjustment for minimum required flood elevation. Overall height includes all antennas and other ancillary appurtenances.

Owner

As applied to a building or land, includes any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety, of the whole or a part of such building or land.

Package Sales

Alcoholic beverages that are sold only in containers sealed by the manufacturer and which are sold for consumption off the licensed premises of the business establishment.

Parapet

A low protective wall at the edge of a terrace, balcony or roof.

Parcel

See "lot," in Sec. 10-303, Lots and Yards.

Park

For purposes of Section 4-4, Alcoholic Beverages, only, a park facility which is owned, leased, or operated by a governmental agency. It does not include beach access strips.

Park, Community

For purposes of 8-103, Park Impact Fees, only, a tract of land used by the public primarily for active recreation but also used for educational and social purposes and passive recreation. Community parks also include bikeways along the road network that are designed and used primarily for active recreation. A community park generally serves a specific community composed of at least several neighborhoods. It specifically includes school sites and municipally owned parks where they are used as community parks.

Park, Private (as accessory use)

A tract of land designated and operated by a private entity for the private enjoyment of a development's residents, including: fishing piers; nature or wildlife preserves; neighborhood parks; and passive and active recreational and educational activities including but not limited to hiking, nature trails, and similar activities which require few or no on-site facilities or capital investment and which utilize the natural environment with little or no alteration of the natural landscape.

Park, Regional

For purposes of 8-103, Park Impact Fees, only, a tract of land designated and used by the public for active and passive recreation used by the public that provides especially attractive natural resources, amenities, and specialized activities. A regional park draws users from a larger area than a community park, frequently from the entire county and beyond, by providing access to especially attractive natural resources, amenities and specialized activities.

Park, Village, County, or State

A tract of land (including customarily associated buildings and structures), owned by a government entity, designated and used for recreational purposes by the public, including: fishing piers; nature or wildlife preserves; neighborhood parks; passive and active recreational and educational activities including but not limited to hiking, nature trails, and similar activities which require few or no on-site facilities or capital investment and which utilize the natural environment with little or no alteration of the natural landscape.

Parking Lot Access

Accessway which provides vehicle access from a street to a parking lot containing five or more parking spaces, but from which vehicles are restricted to entering or leaving the street in a forward motion only.

Parking Lot Aisle

The portions (lanes) of a parking lot which provide direct access to individual parking spaces.

Parking Pods

A discrete vehicular use area (parking area) with no more than four ingress/egress points, limited to a maximum of 120 parking spaces, and surrounded by a Type "D" landscape buffer.

Parking Space, Tandem

A parking space within a group of two or more parking space arranged one behind the other.

Parking Structure

A building constructed and used for the storage of motor vehicles. It may accommodate bicycle parking as well. The building may include retail or other uses on the ground floor or may be lined or wrapped with separate buildings that include residential or commercial uses.

Pass-Through Provider

For the purposes of Sec. 4-143, Wireless Telecommunications, any person (other than a communications services provider) who places or maintains a communications facility in the road or rights-of-way of a municipality or county that levies a tax pursuant to Ch. 202, Fla. Stat., and who does not remit taxes imposed by that municipality or county pursuant to Ch. 202, Fla. Stat., as per Sec. 337.401, Fla. Stat. A pass-through provider does not provide communications services to retail customers in the Village. Provisions in this LDC that apply only to pass-through providers shall not apply to communications services providers that provide the services identical or similar to those provided by pass-through providers.

Passive and Active Recreational and Educational Activities

Activities including but not limited to, hiking and nature trails, zip lining, paragliding, and similar activities.

Pattern Book

A pattern book describes the anticipated visual character and layout for a development project and can also illustrate proposed signage, Landscaping, and other features. The pattern book then guides the design and construction of buildings and site improvements. Pattern books have become an Estero tradition, beginning in 2004 with the Coconut Point design review guidelines. An effective pattern book illustrates the design and character of a development project and provides details about design solutions to conditions that are specific to the site or to the target market. Pattern books assist Village officials and the community during the rezoning process in visualizing how a development project would fit into the community, how its character would be unified internally, and to what extent it would implement policies in the Estero Comprehensive Plan and the standards and guidelines in the LDC.

The level of detail in a pattern book will vary based on the scale, scope, and timing of a development project and on the standards that apply. For developments ten acres or larger in size, and developments that will be phased over time, the pattern book identifies the placement of development features on a site, particularly those along the perimeter; defines the layout of proposed development in relationship to neighboring uses, adjacent streets, and public spaces; and depicts generalized architectural themes for buildings. For developments less than ten acres in size, single-phased developments, and higher density and intensity projects such as those subject to pattern book requirements under the EPD District, the pattern book incorporates more information such as general façade detailing, cross-sections of streets, and details on signage, landscaping, lighting, open space, and other features.

Paved Shoulder

A portion of the roadway contiguous to the roadway travel lanes that provides lateral support of base and surfaces courses. This area may be used for motor vehicle emergencies or by pedestrian and bicyclists.

Pedestrian Passageway

A pedestrian connection between buildings that allows safe access to other public spaces.

Pedestrian Way

Path specifically designed for preferential or exclusive use by pedestrians.

Pennant

A flag-like piece of cloth, plastic or paper attached to any staff, cord, building, or other structure at only one or two edges, with the remainder hanging loosely.

Permanent Control Point (PCP)

A marker as defined in Ch. 177, Fla Stat.

Permanent Traffic

The traffic that a development can reasonably be expected to generate on a continuing basis upon completion of the development. It does not include temporary construction traffic.

Permit, Interior Completion

For purposes of Chapter 8, Public Facility Funding and Coordination, only, any permit issued by the Building Official that will permit completion of a shell building, or unit within a shell building, by authorizing work to finish interior units, so that the building may receive a certificate of occupancy.

Perch Tree

For the purposes of Sec. 7-201.A, Southern Bald Eagle, only, a tree used by bald eagles for resting, sleeping, foraging, hunting, feeding, lookout, display or thermal benefit.

Permitted Pumping Capacity

For the purposes of Sec. 7-202, Wellfield Protection, only, the amount of water authorized by the SFWMD to be pumped from a well, measured in gallons per day.

Person

The term “person” shall extend and be applied to any individual, child, firm, association, joint venture, partnership, estate, trust, business trust, syndicate, fiduciary, corporation, unincorporated association, and all other groups and legal entities or combinations thereof. The term shall include the Village to the extent the Village acts as a communications services provider.

Personal Services Group I

Establishments primarily engaged in providing services generally involving the care of the person or the person’s apparel, such as barbershops or beauty shops, clothing alterations and repair (including dressmakers, seamstresses and tailors), laundry agents wherein the establishment may do its own pressing and finish work but the laundering or dry cleaning is performed elsewhere, shoe repair services, and similar services not included in other Personal Service Uses (including Personal Services Group II).

Personal Services Group II

Beauty spas, massage establishments, reducing or slenderizing salons, and similar establishments.

Personal Wireless Service

For the purposes of Sec. 4-143, Wireless Telecommunications, a commercial mobile services (which include cellular, personal communication services, specialized mobile radio, enhanced specialized mobile radio, and paging), unlicensed wireless services, and common carrier wireless exchange access services, as defined in the Telecommunications Act of 1996.

Pet Services

Establishments primarily engaged in providing grooming, obedience training, and other services for pets not requiring the services of a veterinarian.

Pharmaceutical Manufacturing

Facilities primarily engaged in the manufacture of medicinal drugs.

Pickleball Facilities

A facility designed with courts specifically for the recreational use of pickleball.

Place or Maintain

For the purposes of Sec. 4-143, Wireless Telecommunications, to erect, construct, install, maintain, place, repair, extend, expand, remove, occupy, locate, or relocate under, over, or along any public rights-of-way of the county. A person that owns or exercises physical control over communications facilities in public rights-of-way, such as the physical control to maintain and repair, is “placing or maintaining” the facilities. A person providing service only through resale or only through use of a third party’s unbundled network elements is not “placing or maintaining” facilities in the public rights-of-way.

Places of Worship

A structure designed primarily for accommodating an assembly of people for the purpose of religious worship, including related religious instruction; church, mosque synagogue, or temple ministries involving classes for 100 or less children during the week; and other church, mosque, synagogue, or temple sponsored functions which do not exceed the occupancy limits of the building.

Plane

For the purposes of Chapter 6: Signage, only, a surface capable of carrying items of information, such as a rectangle, square, triangle, circle, or sphere; or any area enclosed by an imaginary line describing a rectangle, square, triangle, or circle, which includes freestanding letters, numbers, or symbols.

Planned Development

A development that is designed and developed as a cohesive, integrated unit under unified control that permits flexibility in building siting, mixture of housing types or land uses, clustering, common functional open space, the sharing of services, facilities, and utilities, and protection of environmental and natural resources.

Plat

As defined by Ch. 177, Fla. Stat.

Point Source of Light

A manmade source emanating light, including, but not limited to incandescent, tungsten-iodine (quartz), mercury vapor, fluorescent, metal halide, neon, halogen, high-pressure sodium and low-pressure sodium light sources, as well as torches, camp and bonfires.

Pollutant

For the purposes of Sec. 7-202, Wellfield Protection, only, presence in the outdoor atmosphere or waters of the state of any substances, contaminants, noise, or man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of air or water in quantities or levels that are or may be potentially harmful or injurious to animal or plant life, human health or welfare, or property, including outdoor recreation. (See Rule 62-520.200(13), F.A.C.)

Pollutant Travel Time

The theoretical time required by pollutants to travel from one point to another. (See Sec. 7-202, Wellfield Protection)

Pollution

For the purposes of Sec. 7-202, Wellfield Protection, only, presence of any substance (organic, inorganic, radiological or biological) or condition (temperature, pH, turbidity) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water.

Polyester Film Window Graphics

For the purposes of Chapter 6: Signage, only, graphic presentations applied to windows and created by applying combinations of dyed, metalized, translucent, and near-opaque polyester films in overlapping layers, resulting in a reflective poster-like display in daylight and a back-lit display at night, when normal interior room lighting is on. Polyester film window graphics may include lettering, logos, picture images, decorative borders, and back-up films.

Post Office

A facility that provides mailing services, post office boxes, offices, vehicle storage areas, and sorting and distribution facilities for mail.

Potable Water Concurrency

The potable water facilities needed to serve new development shall be in place no later than a certificate of occupancy or its functional equivalent, as set forth in the comprehensive plan.

Potable Water Sources

Sources of water that meet county, state, or federal drinking water standards and are intended for drinking, culinary and domestic purposes. (See Sec. 7-202, Wellfield Protection).

Potable Water System

A system of pipes, pumps, water treatments plants or water sources, and all other appurtenances or equipment needed to treat, transport, and distribute potable water.

Prairie

An alternative architectural style that is characterized by low-pitched hipped or flat roof; broad overhanging eaves; strong horizontal lines; clerestory windows arranged in horizontal bands; wide use of natural materials, especially stone and wood with strong horizontal lines; and restrained ornamentation such as friezes around windows and doors, or bands under the eaves.

Premises

Any lot, area, or tract of land.

Premises, On the Same

Being on the same lot or building parcel or on an abutting lot or adjacent building in the same ownership.

For the purposes of Chapter 6: Signage, only, a property owned, leased, or controlled by the person actively engaged in business and so connected with the business as to form a contiguous component or integral part of it; or owned, leased, or controlled by a person for living accommodations.

Primary Public Hurricane Shelter

A structure designated by Section 7-5, Hurricane Preparedness, as a place for shelter during a hurricane event. Only those structures located outside of the coastal high hazard area that have been designated by the Village, the county, or the American Red Cross as primary shelters meet this definition.

Primary Road

Arterial roads and all roads within and adjacent to land designated in the Village Center and Transitional Mixed Use future land use categories on the FLUM of the comprehensive plan, and other corridors determined appropriate for urban development patterns.

Private Water System

A water system that is supplied by a well, spring or other similar source of water, that is used for human consumption by four dwelling units or less and is regulated by Ch. 381, Fla Stat. and Ch. 10D-4, F.A.C.

PRM (Permanent Reference Monument)

Monument as defined in Ch. 177, Fla. Stat.

Property

Includes real and personal property.

Proposed Public Water Supply Well

For the purposes of Sec. 7-202, Wellfield Protection, only, a well not yet constructed but either identified in a water use permit application submitted to the SFWMD or identified in an existing water use permit granted by the SFWMD.

Protection Zone Maps

For the purposes of Sec. 7-202, Wellfield Protection, only, maps showing the location on the ground of the outer limits of protection zones for present public utility potable water supply wells and wellfields that are permitted to pump a minimum of 1,000,000 gallons of water per day.

Protection Zones

For the purposes of Sec. 7-202, Wellfield Protection, only, zones delineated by iso-travel time contours around wellfields, within which hazardous or toxic substances shall be regulated to protect the quality of the groundwater resource. These zones are calculated based on the rate of movement of groundwater in the vicinity of wells, with an allowance for the dispersion of a pollutant entering into and moving with the groundwater.

Provider

For the purposes of Sec. 4-143, Wireless Telecommunications, a business, corporation, partnership, or other entity licensed by the FCC to provide wireless services in Lee County, Florida.

Public Body

For the purposes of Chapter 6: Signage, only, a government or governmental agency of the United States, the state, Lee County, or the Village.

Public Health, Safety, and Welfare

Includes, but is not limited to, comfort, good order, appearance, convenience, law enforcement and fire protection, prevention of overcrowding of land, avoidance of undue concentration of population, facilitation of the adequate and efficient provision of transportation, water, sewage, schools, parks, recreation facilities, housing and other requirements and services; and conservation development, utilization, and protection of natural resources.

Public Potable Water Supply Wellfield

A tract of land containing a well (or group of wells) that is the subject of a consumptive use permit issued by SFWMD; is in use and providing water for public consumption; and, is the subject of an agreement between the Village and the public utility operating the well (or group of wells) whereby the utility contributes its pro rata share of the administration and enforcement costs of Sec. 7-202, Wellfield Protection. For brevity, the term “wellfield” refers to a public potable water supply wellfield.

Public Sewage System

Sewage system that contains a wastewater treatment plant, is not an individual sewage disposal system, and is not regulated by Ch. 10D-6, F.A.C.

Public Rights-of-Way

For the purposes of Sec. 4-143, Wireless Telecommunications, a public right-of-way, highway, street, bridge, tunnel or alley for which the Village is the authority that has jurisdiction and control and may lawfully grant access to pursuant to applicable law, and includes the surface, the air space over the surface, and the area below the surface. “Public rights-of-way” shall not include private property or easements over private property. “Public rights-of-way” shall not include any real or personal Village-owned property except as described above and shall not include Village buildings, fixtures, poles, conduits, facilities or other structures or improvements, regardless of whether they are situated in the public right-of-way.

Public Road or Street Right-Of-Way

Road or street that is open or available to use by the public. The road is deemed a public roadway as the result of a dedication to the public, title grant by deed to the public, or easement grant to the Village for right-of-way purposes, compliance with the Viewer’s Road provisions, compliance with Sec. 95.361, Fla. Stat., or some other means allowed by law. The public right-of-way generally includes related facilities necessary to support the road, such as drainage areas, turn lanes, sidewalks, etc. A public road may be publicly or privately maintained. Public maintenance requires formal Village Council action to accept the responsibility.

Public Transit Facilities

For the purposes of Section 8-2, Concurrency Management, only, public transit facilities include transit stations and terminals; transit station parking; park-and-ride lots; intermodal public transit connection or transfer facilities; fixed bus, guideway, and rail stations; and airport passenger terminals and concourses, air cargo facilities, and hangars for the assembly, manufacture, maintenance, or storage of aircraft. As used in this definition, the terms “terminals” and “transit facilities” do not include seaports or commercial or residential development constructed in conjunction with a public transit facility.

Public Utility

For the purposes of Sec. 7-202, Wellfield Protection, only, a privately owned, municipally owned or county-owned system providing water or wastewater service to the public which has at least 15 service connections or regularly serves an average of at least 25 individuals daily.

Public Water System

Water system that is not a private water system, and includes those water systems regulated under Ch. 381, Fla. Stat., and defined as public water systems, community water systems, and noncommunity water systems in Ch. 17-22, F.A.C; and those water systems defined as public water systems not covered or included in the Florida Safe Drinking Water Act in Ch. 10D-4, F.A.C.

Recessed Lamp

A lamp built into a horizontal fixture or portion of a fixture, or into an outdoor ceiling or canopy so that the lamp is fully cut-off and no part of the lamp extends or protrudes beyond the underside of a fixture or portion of a fixture or structure.

Recreation Courts, Indoor

An indoor structure used for holding court games (basketball, tennis, racquetball, squash, etc.). Accessory uses may include a concession stand, netting, exterior lighting fixtures, public bathrooms, maintenance and storage areas, and spectator seating or stands.

Recreation Facility, Indoor

A commercial establishment that provides indoor facilities for recreation or entertainment-oriented activities by patrons or members. Use types include amusement arcades, amusement centers, aquatic centers, bingo halls, bowling alleys, gymnasiums, health clubs, recreation courts, skating facilities, cinemas or theaters, and similar uses.

Recreation Facility, Outdoor

A commercial establishment that provides outdoor facilities for recreation or entertainment-oriented activities by patrons or members. Uses include: athletic fields; golf courses, miniature; golf driving ranges; passive and active recreational and educational activities including but not limited to, hiking and nature trails, zip lining, paragliding, and similar activities; swimming pools, tennis courts and other similar outdoor activities not grouped elsewhere; and water slides, aquatic centers; and similar uses.

Recreational Vehicle

A recreational vehicle type unit as defined in Sec. 320.01(1)(b), Fla. Stat. It is primarily designed as temporary living unit for recreational, camping or travel use, and has its own motive power or is mounted on or drawn by another vehicle.

Recreational Vehicle Development Order

For purposes of Chapter 8, Public Facility Funding and Coordination, only, a final development order permitting the placement of recreational vehicles on any area of land.

Recycling Drop-Off Center

A small collection facility where recyclable materials are purchased or accepted from the public. Typical uses associated with a drop-off center include facilities that accept donations of charitable goods.

Registered Professional Architect

An architect registered or licensed by the state to practice architecture in Florida, or who is authorized by the state to practice architecture in the state under a reciprocal registration or licensing agreement with another state.

Registered Professional Engineer

An engineer registered or licensed by the state to practice engineering in Florida, or who is authorized by the state to practice engineering in the state under a reciprocal registration or licensing agreement with another state.

Registered Professional Land Surveyor

A land surveyor registered or licensed by the state to practice land surveying in Florida, or who is authorized by the state to practice surveying in the state under a reciprocal registration or licensing agreement with another state.

Registrant

For the purposes of Sec. 4-143, Wireless Telecommunications, any person that has registered with the Village in accordance with the provisions of Sec. 4-143.K.2, Registration for Placing or Maintaining Small Wireless Facilities in Public Rights-of-Way, and holds an effective registration

Regulated Substances

For the purposes of Sec. 7-202, Wellfield Protection, only, any hazardous or toxic substance regulated under that section as described in Sec. 7-202.E, Regulated Hazardous or Toxic Substances and Sanitary Hazards.

Regulatory Standards

The minimum acceptable level of service for a public facility subject to this section as set forth in the comprehensive plan.

Religious Facilities

Religious-related facilities and activities, which may include but are not limited to places of worship, bus storage facilities or areas, convents, monasteries, retreats, church, mosque, synagogue, or

temple ministries involving classes for more than 100 children during the week, and homes for the aged.

Repair Shop, Household

Establishments primarily engaged in performing miscellaneous repair work of small household appliances and equipment including bicycles, clocks, electric razors, fountain pens, hand tools, home computers, jewelry, key duplicating, luggage, leather goods, microwave ovens, mirrors, musical instruments (including piano or organ tuning), picture framing, pocketbooks, radios, sewing machines, sharpening and repair (knives, saws or tools), stereos, televisions, typewriters, umbrellas, venetian blinds, video equipment, watches, and the like; or household appliances, furniture; laboratory, office and other precision instruments and equipment. This use does not include vehicle repair and maintenance.

Repeater

For the purposes of Sec. 4-143, Wireless Telecommunications, a small receiver or relay transmitter of low power output relative to a base station output, designed to provide service to areas that are not able to receive adequate coverage directly from a base station.

Replacing

Rebuilding, enlarging, or any change in size or structure other than repainting and repair to electrical apparatus or repairing parts thereof for maintenance purposes.

Research and Development Laboratories

Facilities primarily engaged in laboratory or field research, and development in the natural, physical, or social sciences; as well as engineering and development as an extension of that research.

Residential Community

For the purposes of Sec. 6-301.B, Permanent Signs in Residential Development, only, a residential subdivision, mobile home and recreational vehicle development, condominium, and multi-family building containing five or more dwelling units.

Resource Recovery

Various techniques of recovering reusable or recyclable materials or energy from garbage and trash.

Restaurant, Convenience

Establishments primarily located in business or recreational areas for the convenience of walk-in customers including automats (eating), bakeries; beaneries, cafes, cafeterias, commissaries, diners, food stands, grills, ice cream shops, lunch bars, lunch counters, luncheonettes, lunchrooms, oyster bars, pizzerias, sandwich bars or shops, soda fountains, tearooms, and yogurt shops.

Restaurant, Fast Casual

A sit down restaurant with no wait staff or table service. Customers typically order off a menu board, pay for food before the food is prepared, and seat themselves. The menu generally contains higher quality made to order food items with fewer frozen or processed ingredients than fast food restaurants.

Restaurant, Fast Food

An establishment whose principal business is the sale of food or beverages in a ready-to-consume state primarily for off-site consumption, and that may contain drive-through facilities.

Restaurant, Standard

An establishment whose principal business is the sale of food or beverages to customers in a ready-to-consume state, and whose principal method of operation includes customers served their foods and beverages by a restaurant employee at the same table or counter where food and beverages are consumed, or a cafeteria-type operation where food and beverages generally are consumed within the restaurant building.

Retail Sales Group I

Establishments that sell consumer goods at retail, like art galleries; bicycle sales, rental services, or repair services; boat parts stores; building materials, sales; catering establishments; department stores; florist and gift shops; hobby and craft shops; monument or headstone sales establishments;

and similar uses (e.g., floor covering stores, window treatment stores, camera stores, optical goods stores, shoe stores, luggage stores, jewelry stores, piece goods stores, and pet shops).

Retail Sales Group II

Any establishment that sells bulk retailing; home building and garden supplies stores; or an establishment that sells consumer goods at retail listed as Retail Sales Group I with a gross area over 50,000 square feet.

Retaining Wall

Vertical bulkhead located above mean high water and landward of any existing wetland vegetation or littoral zone characterized by the presence of intertidal fauna.

Reverse Frontage Road

A local road or accessway that functions as an access road but which is not located adjacent to the arterial or collector road right-of-way.

Right-Of-Way

A portion of land acquired by express or implied dedication or condemnation and intended to be occupied by a street, crosswalk, railroad, electric transmission lines, water line and other similar public uses.

Right-of-Way Line

See Road right-of-way line.

Road

A thoroughfare which affords vehicle access to the principal means of ingress or egress to a lot. The term "road" is synonymous with the terms "avenue," "boulevard," "drive," "lane," "place," "street," and "way," or similar terms.

Road, Arterial

Roads primarily intended to carry large volumes of through traffic connecting major activity centers to other major traffic generators. Access to abutting properties is a secondary function.

Road, Local

A road with the primary function being to serve adjacent properties. As such, a local road provides the linkage from adjacent uses to the collector street system. Through volume service is not a function of local streets.

Road, Major Collector

A road having the primary purpose of collecting traffic from intersecting local and minor collector roads and distributing this volume to the nearest arterial. A secondary purpose is to carry moderate volumes of through traffic. Access to abutting land uses is a secondary function.

Road, Minor Collector

A road having the primary purpose of collecting traffic from intersecting local roads and distributing this volume to the nearest major collector or arterial. As such, a minor collector road provides the linkage from neighborhoods (i.e., local roads) to the arterial system, and provides intra-neighborhood access. Access to abutting land uses is a secondary function.

Road (or Street) Right-Of-Way

The general term denoting land, property or interest therein, usually in a strip, acquired for or devoted to transportation purposes.

Road Right-Of-Way or Road Easement Line

Imaginary line delineating the boundary of an existing or proposed street right-of-way or street easement.

Road Right-of-Way, Existing

A general term denoting land, property, or interest in, usually in a strip, acquired for or devoted to transportation purposes, which is dedicated to the public and accepted by the Village or County.

Road right-of-way or road easement line means an imaginary line delineating the boundary of an existing or proposed street right-of-way or street easement.

Road Right-Of-Way, Proposed

General term denoting land or property, usually in a strip, identified on a government plan, as land to be used in the future for transportation purposes.

Road, Substandard

A road lacking either a geometric or structural capacity for the designation assigned.

Roofline

For the purposes of Sec. 4-143, Wireless Telecommunications, the uppermost line of the roof or parapet, whichever is lower.

Sale of

For purposes of Section 4-4, Alcoholic Beverages, only, includes the term “or service.”

Sanitary Hazard

For the purposes of Sec. 7-202, Wellfield Protection, only, a physical condition that involves or affects any part of a drinking water system or the raw water source, and that creates an imminent or potentially serious risk to the health of any person who consumes water from that system. (See Rule 62-550.200(75), F.A.C.).

Sanitary Sewer Concurrency

The sanitary sewer facilities needed to serve new development that shall be in place no later than a certificate of occupancy or its functional equivalent, as set forth in the comprehensive plan.

Satellite Earth Station

Any device or antenna, including associated mounting devices or antenna-supporting structures, used to transmit or receive signals from an orbiting satellites, including television broadcast signals, direct broadcast satellite services, multichannel multipoint distribution services, fixed wireless communications signals, and any designated operations indicated in the FCC Table of Allocations for satellite services.

Schools, Elementary, Middle, or High

An educational institution that offers a program of high school, middle school (or junior high school), and elementary school (including kindergarten, pre-k, pre-k – 8, or nursery school) instruction meeting state requirements for a school. These schools include public, charter, and private schools. Such uses include classrooms, laboratories, auditoriums, libraries, cafeterias, after school care, athletic facilities, dormitories, and other facilities that further the educational mission of the institution. This definition is inclusive of “educational facilities” as defined in Ch. 1013, Fla. Stat.

School Concurrency

The public school facilities needed to serve new development that shall be in place or under actual construction within three years after the local government approves a development permit, or its functional equivalent, that results in generation of students.

School Concurrency Service Areas

One of three possible zones established by the Lee County School Board for the purpose of assigning students to schools in a geographically approximate location to where those students reside. School concurrency service areas are co-terminus with the three school choice zones for elementary, middle, and high schools. (East Zone, West Zone, or South Zone)

Seasonal Sales

A temporary business enterprise that is conducted primarily outdoors and offers for retail sale decorative items that are, by their nature, in particular demand during a relatively short peak season—including, but not limited to, Christmas trees, pumpkins, flowers, and plants.

Self Storage

A building or group of buildings divided into separate self-contained units or areas of 500 square feet or less that are offered for rent for self storage of household and personal property. The storage units

or areas are designed to allow private access by the tenant for storing and removing personal property. Accessory uses may include leasing offices, outdoor storage of boats and recreational vehicles, incidental sales or rental of moving supplies and equipment, and living quarters for a resident manager or security guard. The rental of trucks or trailers is a separate principal use and not considered accessory to this use (see Vehicle and Boat Rental and Sales).

Semipublic Body

Churches and civic and other organizations operating in the county as nonprofit organizations serving a public purpose or service.

Service Area

For the purposes of Section 5-10, Utilities, only, the geographic region consisting of the lots being served or proposed to be served by a public facility, including but not limited to public potable water or sewage systems.

Sewage System

A system of pipes, pumps, tanks, or wastewater treatment plants and all other appurtenances or equipment needed to treat, transport, and dispose of sewage.

Sexually Oriented Businesses

Sexually Oriented Businesses, as defined Ch.22, Art. XIII, the Lee County Code of Ordinances, also known as the “Lee County Sexually Oriented Businesses Regulation Ordinance.”

SFWMD

South Florida Water Management District.

Shared Use Path

A facility eight to 12 feet in width, physically separated from motorized vehicular traffic that serves bicycles, pedestrians, hikers, skaters, wheel chair uses, joggers, and other non-motorized uses

Shared Use Plan

For the purposes of Sec. 4-143, Wireless Telecommunications, a plan that includes the following:

- (1) A signed statement from the antenna-supporting structure owner agreeing to allow multiple providers to collocate on the structure, where reasonable and structurally feasible; and
- (2) A written evaluation of the feasibility of accommodating future collocations. Such evaluation shall address the following, as appropriate:
 - a. Structural capacity of the proposed antenna-supporting structure;
 - b. Radio frequency limitations impacting the ability to accommodate collocations;
 - c. Geographical search area requirements;
 - d. Mechanical or electrical compatibility;
 - e. Any restrictions imposed upon the facility by the FCC that would preclude future collocations; and
 - f. Additional relevant information as required by the Village.

Shield

To establish a visual and sound barrier by the use of a berm, wall, screening, or other methods that will not permit the sound or sight of the facility in question to be apparent from adjoining property.

Shopping Center

See Multiple-Occupancy Complex.

For purposes of Chapter 8, Public Facility Funding and Coordination, only, an integrated group of commercial establishments planned, developed, owned or managed as a unit. A shopping center consists primarily of retail establishments, but may also contain some other uses, such as restaurants, medical, or general offices. Shopping center outparcels are treated as separate uses.

Showroom, Wholesale

An establishment that combines office and showroom uses with warehouse uses for the primary purpose of wholesale trade, display, and distribution of products.

Sidewalk

A portion of a roadway designed and constructed for preferential use by pedestrians that is at least five feet wide. A sidewalk may be used by a cyclist consistent with Sec. 316.2065, Fla. Stat.

Sight Lines

For the purposes of Sec. 4-143, Wireless Telecommunications, a graphic representation consisting of:

- (1) Using the U.S.G.S. Quadrangle map, at a scale of 1:25,000 as a base map, a minimum of eight view lines, shown beginning at True North and continuing clockwise at 45-degree intervals in a two-mile radius from the site; and
- (2) A plan map of a circle of two miles radius of the communication facility site on which any areas from which the proposed communication facility will be visible shall be indicated.

Sign

An object, device, display, or structure, or part thereof, consisting of letters (foreign or domestic), numbers, symbols, pictures, illustrations, announcements, cutouts, insignia, trademarks, or demonstrations, including all trim and borders, designed to advertise, inform, or identify, or to attract the attention of persons not on the premises on which the device or display is located, and visible from any public way.

Sign Area

The size of the portion of a sign as calculated using the methodology in Sec. 6-201, Measurement of Sign Area.

Sign Structure

A structure which supports, has supported, or is capable of supporting a sign, including a decorative cover.

Sign, Abandoned

A sign which no longer correctly directs or exhorts any person or advertises a bona fide business, lessor, owner, product, or activity conducted or available on the premises indicated on the sign.

Sign, Animated

A sign composed of moving parts or lights or lighting devices that change color, flash, alternate illumination, show motion, movement, or otherwise change the appearance of the sign. Animated signs do not include electronic changing message centers or revolving signs as defined in this section.

Sign, Announcement

A temporary sign announcing a project to be under construction or an intended use of the premises.

Sign, Awning

A sign placed or installed on the hanging border or other area of an awning. See Sec. 6-105.A.1, Awning Signs.

Sign, Bench

A sign attached to a bench placed on or along public rights-of-way and is an off-site advertising sign.

Sign, Bus Shelter

A sign that is attached or placed within approved bus shelters located on or along public rights-of-way. Bus shelter signs are off-site advertising signs.

Sign, Business Affiliation

A sign displayed upon the premises denoting professional and trade associations with which the occupant is affiliated, including each credit card accepted by the occupant.

Sign, Business Information

A sign providing information to customers such as the business hours and telephone number, and “open” or “closed,” “shirts and shoes required,” “no soliciting,” or “no loitering” signs.

Sign, Canopy

A sign attached to or constructed in or on a canopy.

Sign, Changeable Copy (manual)

A sign on which copy is changed manually in the field, i.e., reader boards with changeable letters or changeable pictorial panels.

Sign, Changing (automatic)

See Electronic Changing Message Center.

Sign, Commercial Advertising

Any structure, poster board, bulletin board, neon sign, screen, surface, or wall with characters, letters, or illustrations affixed thereto, thereon or thereunder, by any method or means whatsoever, where the matter displayed would be used for the purpose of publicly advertising the legal or exact firm or organization name or the name of the business carried on therein or thereat, or for advertising any service or product actually and actively being offered for sale therein or thereon.

Sign, Construction

A sign erected at a building site that displays the name of the project and identifies the owner, architect, engineer, general contractor, financial institutions, and other firms involved with the design or construction of the project.

Sign, Development

A sign designed and intended to advertise and promote the sale or rental or lease of lots or homes in any residential development, and also in commercial areas for sale or rental or lease of units in the development.

Sign, Directional

A sign which serves solely to designate the location of or direction to any place or area.

Sign, Double-Faced

A single plane with items of information identical on both sides and mounted as a single structure.

Sign, Emitting

Any sign designed to emit visible smoke, vapor, particles, or odor, or which produce noise or sounds capable of being heard, even though the sounds produced are not understandable sounds.

Sign, Figure-Structured

A sign sculptured, inflated, or otherwise constructed in the caricature or shape of an animal (including human beings) or vegetable, whether fictional or real, which is used to attract or draw attention to a business or commercial establishment.

Sign, Flashing

A sign or any part thereof that contains an intermittent or flashing light source, or that includes the illusion of intermittent or flashing light by means of animation or an externally mounted intermittent light source. Automatic changing signs, such as a public service time, temperature and date signs, or electronically controlled message centers are classified as changing signs, not flashing signs.

Sign, Government

Any sign erected and maintained in accordance with and in discharge of any governmental function, or required by law, ordinance, or other governmental regulation.

Sign, Ground or Ground-Mounted

Any sign or other street graphic which is mounted on or supported by uprights or braces in or upon the ground, with such uprights or braces being in close proximity and directly attached in or upon the ground and independent of support of any building, fence, or a wall of an accessory building or structure.

Sign, Height

The height of a sign as calculated using the methodology in Sec. 6-202, Measurement of Sign Height.

Sign, Identification

A sign where the matter displayed is used only to indicate the name, address, number of building, or character of the primary land use.

Sign, Illuminated

A sign which is illuminated by artificial light, either from an interior or exterior source, including outline, reflective, or phosphorescent light, whether or not the source of light is directly affixed as part of the sign.

Sign, Individual Letter

A sign made of self-contained letters that are mounted on the face of a building.

Sign, Instructional

A sign located entirely on the property to which it pertains and which is intended to provide direction to pedestrians or vehicular traffic or to control parking on private property. Examples include "entrance" signs, "exit" signs, "one-way" signs, "pedestrian walk" signs, "disabled parking" signs, etc.

Sign, Interstate Highway Interchange Area

A sign visible from interstate highways providing travelers with identification of the following services: fuel, food, lodging, camping, and repair.

Sign, Marquee

A sign mounted, painted, or attached to a marquee.

Sign, Monument or Monument-Style

A ground sign, the structural base of which is on the ground. The height of the base shall be at least 24 but no more than 36 inches above the adjacent ground elevation. The average width of the sign structure shall exceed the total height of the sign structure. The width of the top of the sign structure shall not exceed 120 percent of the width of the base. The sign copy area shall be measured from the outside edges of the sign or the sign frame, whichever is greater, excluding the area of the supporting structures provided that the supporting structures are not used for advertising purposes.

Sign, Motion Picture

A sign capable of displaying moving pictures or images in conjunction with an outdoor advertising structure, accessory sign, or advertising statuary visible from any public street or sidewalk.

Sign, Neon

A sign formed by luminous or gaseous tubes in any configuration.

Sign, Off-Site

A sign relating in its subject matter to commodities, products, accommodations, services, or activities on premises other than the premises on which the sign is located.

Sign, On-Site

A sign relating in its subject matter to the commodities, products, accommodations, services, or activities on the premises on which it is located.

Sign, Pole

A freestanding sign composed of a single, double, or multiple pole or support structure, that is not a solid monument-style.

Sign, Portable

A mobile or portable sign or sign structure that is not permanently attached to the ground or to any other structure. This definition includes trailer signs, A-frame signs, sandwich signs, beacon lights, balloon signs, and vehicles whose primary purpose is advertising.

Sign, Posted Property

A sign used to indicate “no trespassing,” “beware of dog,” “no dumping,” and other similar warnings.

Sign, Projecting

A sign which is affixed to any building wall or structure and extends more than 12 inches horizontally from the plane of the building wall.

Sign, Promotional

A sign posted by civic clubs or other nonprofit organizations to advertise a special event such as a bazaar, dance, art show, craft show, etc.

Sign, Real Estate

A sign advertising that the premises on which it is located is for sale, lease, or rent.

Sign, Revolving

A sign so erected or constructed as to periodically display different copy changes through the revolving of face panels, provided that the changes shall occur not more than four times in any 60-second period of time.

Sign, Roof

A sign or other street graphic erected or constructed and maintained on the roof covering above the eaves of a building. A sign placed flat against the steep slope portion of a mansard roof will not be considered a roof sign.

Sign, Sandwich

A sandwich sign, “A” sign, or other types of portable sign, single- or double-faced, which is portable and readily movable from place to place.

Sign, Snipe

A sign of any material, including paper, cardboard, wood and metal, when tacked, nailed or attached in any way to trees, telephone poles, or other objects where such sign may or may not apply to the premises. This definition includes cardboard signs on sticks.

Sign, Under-Canopy or Under-Marquee

A sign suspended below the ceiling of a canopy or marquee.

Sign, Wall-Mounted

A sign mounted on and approximately parallel to the face of the building wall and projecting not more than 12 inches from the plane of the wall. Signs on the outside of a window are considered wall-mounted signs.

Sign, Window

A sign mounted inside of a window for display to the public passersby outside the window.

Sign Area

The size of the portion of a sign as calculated using the methodology in Sec. 6-201, Measurement of Sign Area.

Site-Related Improvements

Capital improvements and right-of-way dedications for direct access improvements to the development in question. Direct access improvements include but are not limited to the following:

- (1) Site driveways, roads, and bicycle and pedestrian facilities.
- (2) Median cuts made necessary by those driveways or roads;
- (3) Right turn, left turn, and deceleration or acceleration lanes leading to or from those driveways or roads;
- (4) Traffic control measures for those driveways or roads;
- (5) Access or frontage roads that are not shown as planned Village-built or publicly owned roads on the county’s access road location map, as amended; and

- (6) Roads or intersection improvements whose primary purpose at the time of construction is to provide access to or within the development.

Sign Structure

A structure which supports, has supported, or is capable of supporting a sign, including a decorative cover.

Sign, Window

A sign mounted inside of a window for display to the public passersby outside the window.

Single-Family Dock

For the purposes of Section 7-4, Marine Facilities, Structures, and Equipment Standards, only, a fixed or floating structure, including moorings, used for berthing buoyant vessels, that is an accessory use to an existing or proposed single-family residence, with no more than two boat slips per residence when located in a natural waterbody. Notwithstanding, a shared single-family dock approved in accordance with this LDC may contain up to four boat slips.

Site

For the purposes of Sec. 7-205, Clean Water Provision, only, the physical real property, with or without structures, where development or other types of activity involving the real property may result in stormwater runoff.

Skating Facilities, Indoor

An indoor facility, the use of which is primarily devoted to roller or ice skating. The facility may also be used as a site for competitive events and as a practice and training facility. Accessory uses may include meeting rooms, training rooms, videotape rooms, a restaurant, a pro shop, and a snack bar.

Skyglow

Illumination of the sky from artificial sources.

Slip or Watercraft-Slip

For the purposes of Section 7-4, Marine Facilities, Structures, and Equipment Standards, only, a space designed for the mooring or storage of a single watercraft, regardless of size, which includes wet or dry slips, anchorage, beached or blocked, hoist, parked on trailers, open or covered racks, seawall or the number of parking spaces for boat ramps. Piers authorized only for fishing or observation are not considered wet slips.

Small Wireless Facility

A wireless facility that meets both the following qualifications:

- (1) Each antenna associated with the facility is located inside an enclosure of no more than six cubic feet in volume or, in the case of antennas that have exposed elements, each antenna and all of its exposed elements could fit within an enclosure of no more than six cubic feet in volume; and
- (2) All other wireless equipment associated with the facility is cumulatively no more than 28 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, ground-based enclosures, grounding equipment, power transfer switches, cut-off switches, vertical cable runs for the connection of power and other services, and utility poles or other support structures.

Social Service Home

Establishments primarily engaged in providing long-term living facilities for persons in which health care is incidental, or temporary living facilities for individuals with personal or social problems. Social service homes include child or wife abuse centers; homes for the aged; homes for the physically disabled; orphanages; rehabilitation centers; rest homes; juvenile correctional homes; settlement houses; and social service centers (e.g. Salvation Army).

Soil Classification

Those categories and types of soils identified by the United States Department of Agriculture soil survey of Lee County.

Solar Energy Collection Facility, Small-Scale

Equipment for the collection of solar energy or its conversion to electrical energy for use on the same property, or for incidental sale to a public utility, when that equipment is accessory to a principal use of the property. Components are typically mounted on the roof(s) of principal or accessory structures, but may be mounted on other parts of structures, or on the ground.

Solid Waste

For the purposes of Sec. 7-202, Wellfield Protection, only, garbage, rubbish, refuse or other discharged solid or semisolid material resulting from domestic, commercial, industrial, agricultural, or governmental land uses or activities.

Solid Waste Disposal Concurrency

The solid waste disposal facilities needed to serve new development that shall be in place no later than a certificate of occupancy or its functional equivalent, as set forth in the comprehensive plan.

Solid Waste Transfer Station

A facility designed to store or hold solid waste for transport to a processing or disposal facility. Facility operations may include separation of incidental amounts of recyclable materials or unauthorized waste.

Southern Bald Eagle (*Haliaeetus Leucocephalus*)

A mature eagle with white plumage on its head and tail feathers, or an immature eagle with dark plumage, which resides throughout the state around estuarine areas and along the lakes and river drainage basins within the interior of the state and Lee County. (See Sec. 7-201.A, Southern Bald Eagle)

Spanish Colonial

A sub-style of the Mediterranean Revival architectural style characterized by defined entrances; simple detailing with ornate work used for major locations; use of repetitive elements; covered walkways and high-profile roof tile.

Spanish Revival

A sub-style of the Mediterranean Revival architectural style characterized by red clay barrel tile or Spanish tile; wrought iron work, including balconies; stucco exterior finishes; paneled doors; decorative vents and rondels; arcades; and low-pitched, usually gable roofs with little or no eave overhang. Detailing includes plaster and terra cotta highlighting of arches, columns, window surrounds, cornices, and parapets, and wrought iron grilles with façades that are generally asymmetrical.

Speculative Home

A dwelling unit erected or placed on a lot for sales promotion and open to the public for inspection, which is available for sale and occupancy on the lot upon which it is located.

Stacking Space

A portion of the vehicular use area on a site that is dedicated to the temporary storage of vehicle that are queueing for purpose of access, such as a drive-through use or automobile service facility.

Standard Industrial Code (SIC)

A class of industrial activity as specified in the Standard Industrial Classification Manual, 1987 edition. (See use in Sec. 7-205, Clean Water Provision)

State

The State of Florida.

Storage, Indoor

The safekeeping of goods, wares, products, or other commodities in an indoor area for more than 48 hours for later use or disposal. The term "storage" includes the keeping of boats, cars, recreational vehicles, etc., for others, whether or not compensation is given to the property owner. The term does not include animals, nor does it apply to the outdoor display of products for sale.

Storage, Outdoor

Any storage as defined in “storage, indoor,” but occurring outdoors.

Storefront

The wood or metal armature of a window or door system, located within a ground-floor opening in the façade of a building.

Stormwater Management Concurrency

The stormwater management facilities needed to serve new development that shall be in place no later than a certificate of occupancy or its functional equivalent, as set forth in the comprehensive plan.

Story (Floor)

That portion of a building included between the upper surface of a floor and upper surface of the floor or roof next above.

Street

See Road.

Street Furniture

Objects that are constructed or placed above ground such as outdoor seating, kiosks, bus shelters, sculptures, tree grids, trash receptacles, and fountains, which have the potential for enlivening and giving variety to streets, sidewalks, plazas, and other outdoor spaces open to, and used by, the public.

Street Stub

A street having one end open for vehicular traffic and the other terminated without a turnaround for vehicles and intended for future extension.

Street Tree

A tree planted or existing within or along either side of a road right-of-way

Street Wash Water

For the purposes of Sec. 7-205, Clean Water Provision, only, any runoff from the washing of roads, streets, culverts, or other MS4 facilities operated and maintained by the Village.

Stormwater Discharge

The discharge from any conveyance used for collecting and conveying stormwater. (See Sec. 7-205, Clean Water Provision)

Stormwater Pollution Prevention Plan (SWP3)

A document defined in 40 CFR 122.26 prepared by a professional engineer registered in the state (construction site SWP3s shall also be prepared in accordance with DEP Document No. 62-621) outlining the means and methods of managing stormwater onsite using BMPs. (See Sec. 7-205, Clean Water Provision)

Structure

That which is built or constructed. The term “structure” shall be construed as if followed by the words “or part thereof.”

Subdivider

Person who creates a subdivision.

Subdivision

- (1) A subdivision is a type of development. The term “subdivision” means the following:
 - a. The division of a lot into two or more parcels; or
 - b. The division of a lot that results from the extension of an existing street or the establishment of a new street; or

- c. Creation of a condominium as defined in Chs. 718 and 721, Fla. Stat., except that condominium developments are exempt from the provisions of this LDC that require platting under Ch. 177, Fla. Stat.
- (2) A division of land into tracts ten acres or larger, if the tracts are used for bona fide agricultural purposes, as that term is defined in this code, is not a subdivision of land.
- (3) The combination or recombination of up to three lots of record is not a subdivision provided that all resulting lots comply with the comprehensive plan and all other applicable provisions of this LDC.
- (4) Subdivision includes re-subdivision or redivision and, when appropriate to the context, also means the process of subdivision or the land subdivided.

Submerged Aquatic Vegetation (SAV)

Fresh, saline (seagrass), or brackish submerged vegetation that may be used by manatees for food. (See Section 7-4, Marine Facilities, Structures, and Equipment Standards)

Super Convenience Store

A land use that includes automotive service station with convenience markets where there is significant business related to the sale of convenience items and the fueling of motor vehicles. Some commonly sold convenience items include newspapers, freshly brewed coffee, daily-made donuts, bakery items, hot and cold beverages, breakfast items, dairy items, fresh fruit, soups, light meals, ready-to-go and freshly made sandwiches and wraps, and ready-to-go salads. Stores typically also have automated teller machines and public restrooms. The sites included in this land use category have at least ten vehicle fueling positions

Surplus Material

Material that absolutely must be excavated in order to comply with permit requirements and which cannot reasonably be expected to be used on the same premises for any purpose.

Surveyor or Professional Surveyor

Professional surveyor and mapper (PSM) duly registered and licensed by the state of Florida.

Swimming Pool

A man-made pool at least three feet deep at the deep end that is filled with water and used for wading or swimming, and that is operated for profit or charges users a fee.

Swimming Pools, Tennis Courts, and Similar Recreation Facilities.

A use consisting of recreation equipment or facilities such as swimming pools, tennis, shuffleboard, handball or racquetball courts (but not pickleball facilities), swings, slides and other playground equipment and an open, roofed picnic pavilion. These uses must be an accessory use on the same premises and in the same zoning district as the principal permitted use, with the exception of the picnic pavilion and designed to be used primarily by the owners, tenants, or employees of the principal use and their guests.

Tattoo or Body Piercing Establishment

An establishment wherein designs, letters, figures, body piercing, or other marks are placed upon the skin of any person, using ink or other substances that result in the permanent coloration or piercing of the skin by means of use of needles or other instruments designed to contact or puncture the skin.

Temporary Use

A use established for a temporary period of time with the intent to discontinue such use on the expiration of the time period.

Terminal platform

For the purposes of Section 7-4, Marine Facilities, Structures, and Equipment Standards, only, part of a docking facility connected to and generally wider than the access walkway that is used both for securing and loading a vessel.

Timeshare Unit

Any dwelling unit for which a timesharing plan, as defined in Ch. 721, Fla. Stat., has been established and documented.

Tobacco Shop

An establishment primarily engaged in selling tobacco and tobacco-related products. Sale of vape materials or paraphernalia, and hookah lounges are not included in this use.

Toxic Substance Material

For the purposes of Sec. 7-202, Wellfield Protection, only, hazardous waste as defined in 40 CFR 261.3; hazardous substances as defined in 40 CFR 302; a pollutant; a substance that is or is suspected to be carcinogenic, mutagenic, teratogenic or toxic to human beings, or to be acutely toxic as defined in Rule 62-302.200(1), F.A.C.; or a substance that poses a serious danger to the public health, safety or welfare.

Traffic Impact Study (TIS)

A study used to evaluate the potential impacts of traffic generated by a proposed development or redevelopment on surrounding roadways and neighborhoods.

Trafficway

An existing or planned public right-of-way, the primary, though not necessarily the sole, purpose or use of which is to facilitate through movement of direct access to abutting properties. A trafficway may represent a freeway, expressway, arterial, or collector road.

Travel Time Zones

For the purposes of Sec. 7-202, Wellfield Protection, only, the area bounded by iso-travel time contours.

Turn Lane

A width of pavement on a street required to protect the health, safety, and welfare of the public and reduce adverse traffic impacts from turning movements generated by a development on to and off of a street. Turn lanes may include and enhance turning, acceleration, deceleration or storage movements.

Twinkle

An entry or exit mode in an electronic changing message center with a frame that has stationary text, and where lamps or pixels appear to twinkle on and off randomly.

Undesignated Bike Lane

The configuration of a paved shoulder in typical sections that includes right turn lanes as depicted in Ch. 9, Bicycle Facilities, Figure 9-8 of the Florida Greenbook. The paved shoulder is continued to the left of the right turn lane, adjacent to the outer most travel lane. The minimum width is four feet and the lanes do not have signing or marking.

Unified Control

A single property owner or entity has been authorized by all owners of the property to represent them and to encumber the parcel with covenants and restrictions applicable to development of the property.

Uplighting

Lighting that directly or indirectly projects light in such a manner as to shine light rays above the horizontal plane passing through the lowest point of a luminaire.

Usable Open Space

A passive or active area set aside for the visitor enjoyment while adding to the diversity of the activities at a center.

Use

Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land.

Use, Accessory

See Accessory Use.

Use, Mixed

See Mixed-use Development.

Use Permitted by Right

A use or uses which, by their very nature, are allowed within the specific zoning district provided all applicable regulations of this LDC, and other applicable Village regulations are met. A permitted use includes the principal use of the land or structure as well as accessory uses, unless specifically stated to the contrary.

Use, Principal

The primary purpose for which land or a structure or building is used.

Use, Public

The use of any land, water or building by a public entity for a public service or purpose.

Use, Temporary

See Temporary Use.

USFWS

United States Fish and Wildlife Service.

Utility, Major

A structure or facility that is a relatively major component of an infrastructure system providing community- or region-wide utility services. Examples of major utility services include electricity, communications, telephone, cable television, gas, water, and sewage package plants. This use does not include telecommunications facilities or towers.

Utility, Minor

A structure or facility that by itself is a relatively minor component of an infrastructure system providing community- or region-wide utility services that needs to be in or near the neighborhood or uses where the service is provided. Examples of minor utility facilities include water and sewage pipes and pump stations, storm water pipes and retention/detention facilities, telephone lines and local exchanges, electric lines and transformers, electric transfer substations, gas transmission pipes and valves, CATV lines, and bus and transit shelters.

Utility Pole

For the purposes of Sec. 4-143, Wireless Telecommunications, a vertical structure used primarily by publicly regulated utilities or for street lighting and located within a road right-of-way, road easement, or public utility easement. The term includes the vertical support structure for traffic lights but does not include a horizontal structure to which signal lights or other traffic control devices are attached and does not include a pole or similar structure 15 feet in height or less unless the Village grants a waiver for such pole.

Utility Pole, Replacement

For the purposes of Sec. 4-143, Wireless Telecommunications, a vertical structure used primarily by publicly regulated utilities or for street lighting and located within a road right-of-way, road easement, or public utility easement limited to 40 feet in height to accommodate wireless communication facilities.

Vehicle and Boat Rental and Sales

Establishments that provide for the sale or rental of new or used automobiles, small trucks or vans, trailers, motorcycles, motor homes, recreational vehicles, or boats (not including small recreation short-term rentals such as kayak rental on a waterway). Typical examples include automobile dealers, auto malls, car rental agencies, and moving equipment rental establishments (e.g., U-Haul).

Vehicle and Boat Repair and Maintenance

Establishments, excluding vehicle paint finishing shops, that repair, install, or maintain the mechanical components or the bodies of autos, small trucks or vans, motorcycles, motor homes, or recreational vehicles including recreational boats or that wash, clean, or otherwise protect the exterior or interior surfaces of these vehicles. This use includes stand-alone car washes.

Vehicular Use Area

The portion of a site or development dedicated to vehicular uses, including ingress, egress, parking, parking aisles, internal travel ways, fire lanes, and other areas dedicated to vehicular use, but not including vehicular storage or display areas.

Vertical Evacuation

The preplanned use of predetermined structures located in the hurricane vulnerability zone as hurricane shelters, and the on-site or in-place sheltering of residents in single or multi-family structures that are elevated above the predicted flood levels anticipated within the hurricane vulnerability zone. (See Section 7-5, Hurricane Preparedness)

Vernacular

Building structure whose design is determined by an informal local tradition. A vernacular building is one that possesses attributes common to other buildings in the region in terms of appearance, use of materials, dimensions, exterior decoration, and approximate age. While there may be differences in attributes, it should “belong” and not seem out of place.

Vessel

For the purposes of Section 7-4, Marine Facilities, Structures, and Equipment Standards, only, a motor-propelled or artificially propelled vehicle and every other description of boat, watercraft, barge, and airboat (other than a seaplane) used or capable of use as a means of transportation on the water, including jet skis. See Boat or Watercraft.

Village Center Area

The area designated Village Center on the Future Land Use Map (FLUM) of the comprehensive plan.

Village Recreational Lands

Lands owned by the Village and open to public use for recreational purposes.

Vocational or Trade School

A public or private school offering vocational or trade instruction—such as teaching of trade or industrial skills, clerical or data processing, barbering or hair dressing, computer or electronic technology, or artistic skills—to students, and that operates in buildings or structures or on premises on land leased or owned by the educational institution, and that meets the state requirements for a vocational training facility. Such uses include classrooms, laboratories, auditoriums, libraries, cafeterias, and other facilities that further the educational mission of the institution.

Wall Pack Light

A type of outdoor lighting typically mounted on the exterior wall of a building.

Warehouse

A facility primarily engaged in the storage of manufactured products, supplies, and equipment; or in the distribution of manufactured products, supplies, and equipment. It includes the temporary storage of such products, supplies, and equipment pending distribution; and excludes bulk storage of materials that are flammable or explosive or that present hazards or conditions commonly recognized as offensive.

Warm Water Refuge

For the purposes of Chapter 7: Natural Resources, only, known areas of warm water discharge, deep water, or natural springs where manatees aggregate in the wintertime for thermoregulation. Known or recognized warm water refuges are listed in the Manatee Protection Plan.

Water, Body of

- (1) Artificial body of water means a depression or concavity in the surface of the earth, other than a swimming pool, created by human artifice, or that portion of a natural body of water extended or expanded by human artifice, and in which water stands or flows for more than three months of the year.
- (2) Natural body of water means a depression or concavity in the part of the surface of the earth lying landward of the line of mean sea level (NAVD) which was created by natural

geophysical forces and in which water stands or flows for more than three months of the year.

Water-Dependent Use

Uses for which water access is essential and which could not exist without water access.

Water Quality Criteria

For the purposes of Sec. 7-205, Clean Water Provision, only, minimum water quality standards as defined in the Surface Water Quality Standards of Ch. 62-302, F.A.C.

Water-Related Use

Uses that might be enhanced by proximity to the water but for which water access is not essential.

Water System

System of pipes, pumps, water treatment plants or water sources, and all other appurtenances or equipment needed to treat, transport, and distribute water.

Water Table Aquifer

For the purposes of Sec. 7-202, Wellfield Protection, only, an aquifer with a phreatic surface, that is, a free surface where the fluid pressure equals atmospheric pressure or zero gauge pressure, also known as a phreatic or unconfined aquifer. It is the uppermost aquifer and can receive direct recharge from the ground surface.

Waterbody

For the purposes of Chapter 7: Natural Resources, only, all artificial and natural bodies of water, and all adjacent wetlands.

Watercraft

For the purposes of Section 7-4, Marine Facilities, Structures, and Equipment Standards, only, any vehicle designed for transporting persons or property on, in or through water. See Boat or Vessel.

Waterway

Any bay, river, lake, canal, or artificial or natural body of water connected to navigable waters of the United States.

Well

For the purposes of Sec. 7-202, Wellfield Protection, only, excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of the excavation is to conduct groundwater from a source bed to the surface, by pumping or natural flow, when groundwater from the excavation is used or intended for use in a public water supply system (see Rule 62-550.200(104), F.A.C.).

Wellfield

For the purposes of Sec. 7-202, Wellfield Protection, only, a public potable water supply wellfield.

Wetlands

Areas that are inundated or saturated by surface water or ground water at a frequency and a duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil. Wetland boundaries shall be determined using the methodology in Sec. 373.4211, Fla. Stat.

Wine

A beverage as defined in Ch. 564, Fla. Stat.

Wireless Communications

Any personal wireless service, radio and television broadcast services, and any other radio frequency signals, including amateur radio.

Wireless Communications Facility

For the purposes of Sec. 4-143, Wireless Telecommunications, any facility used for the transmission and reception of wireless communications, usually consisting of an antenna or group of antennas,

base station, transmission lines, ancillary appurtenances, equipment enclosures, or repeaters, and may include an antenna-supporting structure. Any of the following shall be considered a wireless communications facility: Antennas, antenna-supporting structures (including replacement and broadcast), base stations, equipment enclosure, roof-mounted antennas, surface-mounted antennas, repeaters, and amateur radio facilities; or a property, or any part thereof, owned or leased by one or more providers and upon which one or more wireless communications facility(s) and required landscaping are located.

Wireless Facility

For the purposes of Sec. 4-143.K, Wireless Facilities in Public Rights-of-Way, equipment at a fixed location which enables wireless communications between user equipment and a communications network, including radio transceivers, antennas, wires, coaxial or fiber-optic cable or other cables, regular and backup power supplies, and comparable equipment, regardless of technological configuration, and equipment associated with wireless communications. The term includes small wireless facilities. The term does not include:

- (1) The structure or improvements on, under, within, or adjacent to the structure on which the equipment is collocated;
- (2) Wireline backhaul facilities; or
- (3) Coaxial or fiber-optic cable that is between wireless structures or utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna.

Wireless Support Structure

A freestanding structure, such as a monopole, a guyed or self-supporting tower, or another existing or proposed structure designed to support or capable of supporting wireless facilities. The term does not include a utility pole.

Work

For the purposes of Section 7-4, Marine Facilities, Structures, and Equipment Standards, only, all dredging or disposal of dredge material, excavation, filling, construction, erection or installation, or any addition to or modification of a structure on a waterway.

Zero Lot Line

A dwelling unit with at least one wall of a building on a side or rear line of the lot on which it stands.

Zoning District

An area delineated on the Official Zoning Map within which a prescribed set of use and development standards are applied to various types of development.

Zoning District, Conventional

A zoning district within which a single set of use, intensity, dimensional, and development standards are applied.

Zoning District, Overlay

A zoning district superimposed over one or more underlying conventional zoning districts that imposes standards and requirements in addition to those required by the underlying conventional zoning districts.

Zoning Map

The Official Zoning Map of the Village of Estero, Florida, on which the boundaries of various zoning districts are drawn and which is an integral part of this LDC.

Zoom

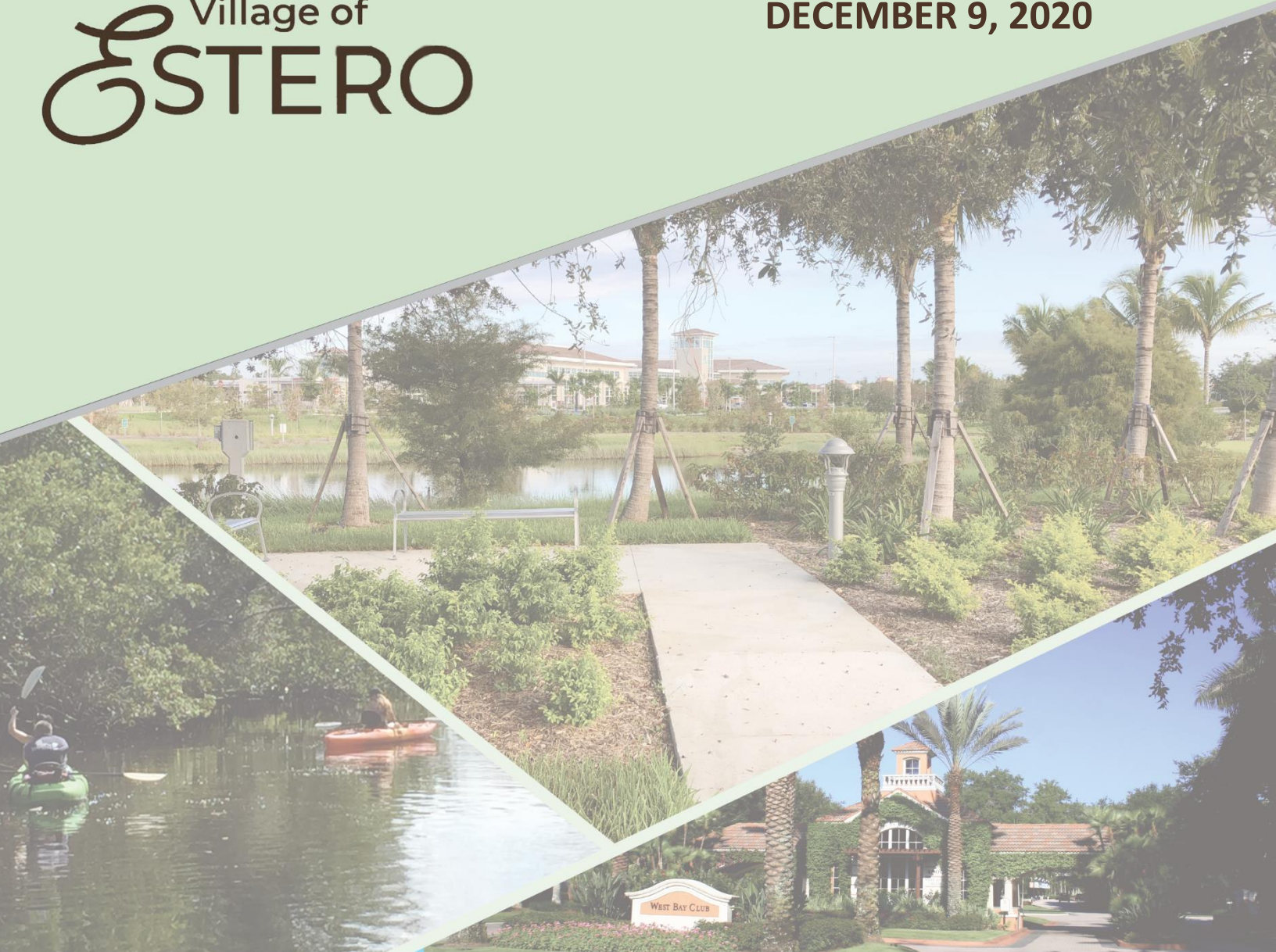
An entry or exit mode in an electronic changing message center with a frame that starts by bringing the text on from the center in an explosion type mode.



Village of
ESTERO

Land Development Code Appendices

FIRST READING
DECEMBER 9, 2020



APPENDIX A: USE TABLE

USE TABLE PERMISSIONS ABBREVIATIONS

Zoning district use tables applicable for principal and accessory uses apply the following abbreviations to designate whether and how a use is allowed in the particular zoning district:

- P A “P” under a zoning district column indicates that the use is allowable as a principal or accessory use (as appropriate) in the district, subject to any referenced use-specific standards and all other applicable regulations of this LDC.
- S An “S” under a zoning district column indicates that the use is allowable as a principal use in the district only on approval of a special exception in accordance with Sec. 2-501.E, Special Exception, and subject to any referenced use-specific standards and all other applicable regulations of this LDC.
- E An “E” under a zoning district column indicates that the use is allowable as a principal use in the district only if it is already existing on [*insert effective date of LDC*], and subject to any referenced use-specific standards and all other applicable regulations of this LDC.
- A blank cell under a zoning district column indicates that the use is prohibited as either a principal use, special exception, or accessory use in the zoning district.

USE TABLE REFERENCE TO STANDARDS SPECIFIC TO USES

A use may be subject to additional standards that are specific to the particular use. The applicability of such use-specific standards is noted in the last column of the use table by reference to the standard which is located in Chapter 4: Use Specific Standards.

APPENDIX B: EPD DISTRICT FRAMEWORK PLAN



APPENDIX C: GENERAL ROAD SPECIFICATIONS

A. General Road Specifications

Except as provided in subsection A.2.B below, roads established and constructed in accordance with this section shall have minimum right-of-way widths and/or roadway easements and comply with the other standards identified in this section:

1. Village-Maintained Roads

Roads to be turned over to the Village shall meet the specifications of Table C-(A)1: Specifications for Village Maintained Roads, and the following:

- A. The minimum radius for horizontal curves shall be determined by the ultimate number of lanes, design speed, and superelevation rate. The minimum distance between reverse curves shall be determined by the ultimate number of lanes, design speed, and horizontal curvature. The applicant shall refer to AASHTO and FDOT documentation for specific design criteria.
- B. Table C-(A)1: Specifications for Village Maintained Roads, identifies standard right-of-way widths for new roads in developing areas and desirable right-of-way widths for improvements in developed areas. The standard right-of-way width for Village-maintained roads may be reduced by the Director upon demonstration by the applicant of considerations such as provision of sufficient width for the future number of lanes identified in the comprehensive plan Map TR-4, required median, turn lanes, signs, streetlights, adequate clear zone for the design speed, bicycle and pedestrian facilities, drainage facilities, backslope or slope easements, and other roadway appurtenances.
- C. The access road standard applies to frontage road. The local road standard applies to all other access streets, including reverse frontage roads.

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	100	50	45
Open drainage	150	100	60	50
Design Speed (mph)				
Rural Section				
With speed restriction	55	40-45	n/a	n/a
Without speed restrictions	70	45-50	n/a	n/a
Urban Section				
With speed restriction	35-40	30-45	n/a	n/a
Without speed restrictions	35-50	40-45	n/a	n/a

2. Privately-Maintained Roads

A. General

Roads to be retained by the property owner and privately maintained shall meet the specifications of Table C-(A)2: Specifications for Village Maintained Roads:

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
Two-way		
Closed drainage or inverted crown	40	40
Open drainage	45	40
Minimum Grade of Roads		
Closed drainage	0.2%	0.2%
Inverted Crown	0.4%	0.4%
Open drainage	0.0%	0.0%
Additional Minimum (feet)		
Minimum centerline radius for horizontal curves	50	50

B. Exceptions

The following privately maintained accessways are not required to meet the minimum right-of-way widths of this subsection:

1. Parking lot aisles;
2. Parking lot accesses;
3. Driveways; and
4. Other accessways that comply with the following:
 - (a) Provide vehicle access to 100 or fewer multi-family residential units;
 - (b) Include pavement width that meet the dimensional requirements for parking lot aisles at areas of back-out parking; and
 - (c) Provide for utility easements in accordance with Sec. 5-1005.A.1, Water Distribution and Sewer Collection Lines, if utilities are to be located in or adjacent to the accessway.

B. Street Design and Engineering Standards

1. Grading and Centerline Gradients

Grading and centerline gradients on roads shall be consistent with the plans and profiles approved by the Village. Typical cross sections are provided in Appendix D: Illustrations and Cross-Sections.

2. Landscaping

- A. Prior to the acceptance of the roads or the release of the security, the developer shall be responsible for ensuring that all swales, parkways, medians, percolation areas, and planting strips are sodded, seeded or planted, and mulched in accordance with Section 570, FDOT standard specifications.
- B. Installation and maintenance of landscaping and irrigation systems in Village or County maintained road right-of-way may be performed at the developer's option and expense.

3. Signs and Pavement Markings

- A. Road name and regulatory signs shall be installed by the developer at all intersections and on the roads in the development prior to the acceptance of the roads or the release of the

security, provided that only exit stop signs shall be required at parking area entrances for parking areas containing less than 25 parking spaces.

B. Road Lighting

Road lighting may be installed at the developer's option and expense in accordance with Section 5-6, Exterior Lighting Standards, in particular Sec. 5-606, Street Lights.

C. Road Improvements, Intersection Improvements, and Traffic Control Devices

1. The developer shall design and construct the appropriate traffic control devices and acceleration, deceleration, and turning or additional lanes deemed necessary for the safe operation of motor vehicles.
2. Traffic control devices and acceleration, deceleration, turning, and additional lanes shall be specifically indicated on the development order. These traffic control devices shall be designed and shown on the development order plan and meet MUTCD standards.
3. Additional lane and turn lanes shall be included, as indicated by the Florida Greenbook and sound engineering practice.
4. Road and intersection improvements intended to be turned over to the Village shall comply with Village standards.
5. The applicant may install traffic control devices in accordance with Table 9-4-11b on a nonstandard type of support system as described in the Traffic Control Devices Handbook (FHWA publication), subject to the following requirements:
 - (a) The support system shall not compromise the mounting height, location standards, and all other standards as described in sections 2A-24 through 2A-27 of the MUTCD;
 - (b) All supports shall be of breakaway design;
 - (c) The sign support system shall not provide borders around the sign that have the effect of changing the required shape, message, or border area of the sign; and
 - (d) An enforceable agreement providing for maintenance and upkeep of the signs by the installer shall be provided to the Village. This agreement shall include the name, address, and phone number of a contact person who will represent the installing party.

4. Intersection Design

- A. Multiple intersections involving the juncture of more than two roads are prohibited.
- B. A minimum sight distance of 200 feet from every intersection on private roads, and consistent with the Florida Greenbook on public roads, shall be maintained on all intersecting roads and accessways; provided that this requirement may not be construed to increase the minimum allowable intersection separation of 125 feet.
- C. The angle of intersection of intersecting roads shall be in accordance with the requirements of Table C-(A)4.C: Required Angle of Intersection.

TABLE C-(A)4.C: REQUIRED ANGLE OF INTERSECTION			
Road Type	Intersecting Road Type	Angle (degrees)	
		Local Road	Access Road and Accessway
Local or access	Local or access	75	105
	Collector	80	100
	Arterial	85	95
Collector	Collector	85	95
	Arterial	85	95
Arterial	Arterial	85	95

D. Pavement Radius

1. Except as modified in subsection 2 below, the inside edge of the pavement at road intersections shall be rounded with a minimum radius listed in Table C-(A)4.D: Minimum Edge of Pavement Radius at Intersecting Roads.

TABLE C-(A)4.D: MINIMUM EDGE OF PAVEMENT RADIUS AT INTERSECTING ROADS			
Road Type	Intersecting Road Type	Minimum Radius (feet)	
		Local Road	Access Road
Local	Local	25	30
	Collector	30	35
	Arterial	40	45
Collector	Collector	40	50
	Arterial	50	60
Arterial	Arterial	50	60

2. The values in Table C-(A)4.D apply to a road type having two lanes without a median. Whenever the road type is divided by a median, the minimum pavement width shall be 14 feet on each side of the median and the edge of pavement radius shall be determined by a special study using a WB-40 vehicle that negotiates the turn without encroaching on the median. Greater radii may be required where school buses will be routed or if an engineering study determines that traffic conditions warrant a larger radius.
 3. The property line radius shall follow the curvature of the inside edge of pavement and be offset a minimum distance equivalent to the pavement/property line offset used on the roadway design section.
- 5. Conformance with State Standards**
- All construction materials, methods, and equipment shall conform to the requirements of the FDOT Standard Specifications for Road and Bridge Construction, current edition, and such other editions, amendments, or supplements as may be adopted by FDOT.
- 6. Horizontal Curve for Changes in Direction**
- Horizontal curves shall be used for all changes in direction consistent with AASHTO and FDOT standards.
- 7. Cul-de-Sacs**
- A. A road intended to be a permanent dead-end road shall be closed at one end by a circular turnaround for vehicles constructed to the following standards:
 1. The diameter of pavement to inside edge of curb or edge of pavement shall be a minimum of 90 feet outside diameter, and a maximum of 45 feet inside diameter;
 2. The diameter of right-of-way for the curb-and-gutter section shall be 110 feet; and
 3. The diameter of right-of-way for ditch and swale drainage shall be a minimum of 130 feet.
 - B. The island in the center of the circular turnaround shall be unpaved to preserve existing vegetation, or enhanced with additional vegetation, provided that vegetation does not cause a visual obstruction between two feet and seven feet in height above grade, and provided further that proper maintenance agreements are filed with the Village.
 - C. The transition from the cul-de-sac pavement to the regular approaching pavement width shall be as shown in Appendix D: Illustrations and Cross-Sections, Section H.
 - D. All roads ending in cul-de-sacs that are over 250 feet long shall have a standard "No Outlet" traffic sign installed at the street entrance that is paid for by the developer.
- 8. Roundabouts**
- Roundabouts shall be designed in accordance with the publication Roundabouts: An Informational Guide, current edition, as modified by AASHTO and FDOT.

9. *Roads and Driveways in Wetland Areas*

Notwithstanding other provisions of this section, new roads or driveways permitted in wetland areas shall be culverted or bridged to maintain the pre-development volume, direction, distribution, and surface water hydroperiod.

10. *Arterial Roads*

Arterial roads shall comply with the following additional standards:

A. *Pavement Width*

Required pavement widths shall provide for on-road or off-road bikeways which will depend on the type of road drainage planned. Typical median width and representative cross sections are shown in Appendix D: Illustrations and Cross-Sections, Section A. Cross-sectional elements such as median width, lane width, and shared use path width may be revised consistent with the standards and criteria in the Florida Greenbook. Revisions are subject to approval of the Director.

B. *Subgrade*

Twelve-inch thick (minimum) stabilized subgrade LBR 40 shall be used. If the LBR value of the natural soil is less than 40, the subgrade shall be stabilized in accordance with Section 160, FDOT standard specifications.

C. *Base*

A minimum of eight inches compacted limerock or an alternative design for public or private roads shall be used. The design will be reviewed by the Director subject to structural analysis for comparison with limerock.

D. *Wearing Surface*

Two and one-half inch asphaltic concrete of FDOT type S-1 shall be used. A skid-resistant surface plus one inch of S-III in conformance with the provisions of Section 331, FDOT standard specifications, is required for the surface course. The wearing surface for turn lanes that are added to existing roads shall match the materials and surface of the existing road. However, the applicant may request a deviation in accordance with Sec. 2-506.C.2, Administrative Deviation, for an alternative design, including but not limited to SUPERPAVE and Portland cement concrete, for public or private roads. The design will be reviewed by the Director, subject to structural analysis for comparison with asphaltic concrete.

11. *Major Collector Roads*

Major collector roads shall comply with the following additional standards:

A. *Pavement Width*

Required pavement widths shall provide for on-road or off-road bikeways which will depend on the type of road drainage planned. See Appendix D: Illustrations and Cross-Sections, Sections A and B. Cross-sectional elements such as median width, lane width, and shared use path width may be revised consistent with the standards and criteria in the Florida Greenbook. Revisions are subject to approval of the Director.

B. *Subgrade*

Twelve-inch thick (minimum) stabilized subgrade LBR 40 shall be used. If the LBR value of the natural soil is less than 40, the subgrade shall be stabilized in accordance with Section 160, FDOT standard specifications.

C. *Base*

A minimum of eight inches compacted limerock or an alternative design for public or private roads shall be used. The design will be reviewed by the Community Development Department, subject to structural analysis for comparison with limerock.

D. *Wearing Surface*

One and one-half inch asphaltic concrete of FDOT type S-1 plus one inch of S-III. The wearing surface for turn lanes that are added to existing roads shall match the materials and surface of the existing roads. However, the applicant may submit a request for a deviation in

accordance with Sec. 2-506.C.2, Administrative Deviation, for an alternative design, including but not limited to SUPERPAVE and Portland cement concrete, for public or private roads. The design shall be reviewed by the Director, subject to structural analysis for comparison with asphaltic concrete.

12. Minor Collector Roads

Minor collector roads shall comply with the following additional standards:

A. *Pavement Width*

Required pavement widths shall provide for on-road or off-road bikeways which will depend on the type of road drainage planned. See Appendix D: Illustrations and Cross-Sections, Sections A and B. Cross-sectional elements such as median width, lane width and shared use path width may be revised consistent with the standards and criteria in the Florida Greenbook. Revisions are subject to approval of the Director.

B. *Subgrade*

Twelve-inch thick (minimum) stabilized subgrade LBR 40 shall be used. If the LBR value of the natural soil is less than 40, the subgrade shall be stabilized in accordance with Section 160, FDOT standard specifications.

C. *Base*

One and one-half inch asphaltic concrete of FDOT type S-1 shall be used. The wearing surface for turn lanes that are added to existing roads shall match the materials and surface of the existing road. However, the applicant may submit a request for a deviation from the Director in accordance with Sec. 2-506.C.2, Administrative Deviation, for an alternative design, including but not limited to Portland cement concrete, for public or private roads. The design shall be reviewed by the Director subject to structural analysis for comparison with asphaltic concrete.

D. *Wearing Surface*

One and one-half inch asphaltic concrete of FDOT type S-1 plus one inch of S-III shall be used. The wearing surface for turn lanes that are added to existing roads shall match the materials and surface of the existing road. However, the applicant may submit a request for a deviation from the Director in accordance with Sec. 2-506.C.2, Administrative Deviation, for an alternative design, including but not limited to SUPERPAVE and Portland cement concrete, for public or private roads. The design shall be reviewed by the Director subject to structural analysis for comparison with asphaltic concrete.

13. Local and Access Roads

Local and access roads shall comply with the following additional standards:

A. *Pavement Width*

Required pavement widths shall provide for on-road or off-road bikeways which will depend on the type of road drainage planned. See Appendix D: Illustrations and Cross-Sections, Sections C, D, and E. In order for the road to be accepted for maintenance by the Village, the provisions of this subsection shall be met.

B. *Subgrade*

Six-inch stabilized subgrade LBR 40 shall be used.

C. *Base*

Six-inch limerock base or equivalent shall be used.

D. *Wearing Surface*

1. *Roads to Be Publicly Maintained*

One-and-one-half-inch asphaltic concrete of FDOT type S-III or FDOT type S-I as outlined in subsection 14, Road and Bridge Development Categories, shall be used. However, the applicant may request a deviation from the Director in accordance with Sec. 2-506.C.2, Administrative Deviation, for an alternative design, including but not limited to Portland cement concrete. The design shall be subject to structural analysis for

comparison with asphaltic concrete. The applicant may install two three-quarter-inch-thick courses of asphalt concrete with the second course to be placed after substantial buildout of the development. Assurance of completion is required for the second course of asphalt. This provision is subject to the approval of the Director.

2. *Roads to be Privately Maintained*

One-inch asphaltic concrete of FDOT type S-III shall be required on category B and C roads. The use of paver block is permitted subject to the approval of the Director at the time of development approval. If the paver block is approved as part of the original development order, no deviation is required from the Director in accordance with Sec. 2-506.C.2, Administrative Deviation.

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.

3. *Access Streets*

22-foot pavements. See Appendix D: Illustrations and Cross-Sections, Section E.

4. *Subgrade*

12-inch thick (minimum) stabilized subgrade LBR 40. If the LBR value of the natural soil is less than 40, the subgrade shall be stabilized in accordance with Section 160, FDOT standard specifications

5. *Base*

Minimum of eight inches compacted limerock or an alternative reviewed by the Director on a Village-maintained road subject to structural analysis for comparison with limerock.

6. *Wearing Surface*

One-and-one-half-inch asphaltic concrete of FDOT type S-1. However, the applicant may submit a request for a deviation from the Director in accordance with Sec. 2-506.C.2, Administrative Deviation, for an alternative design, including but not limited to Portland cement concrete, for public or private roads. The design will be subject to structural analysis for comparison with asphaltic concrete.

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.

3. *Access Roads*
22-foot pavement. See Appendix D: Illustrations and Cross-Sections, Section E.
 4. *Subgrade*
Six-inch thick (minimum) stabilized subgrade LBR 40. If the LBR value of the natural soil is less than 40, the subgrade shall be stabilized in accordance with Section 160, FDOT standard specifications.
 5. *Base*
Minimum of six inches compacted limerock or an alternative reviewed by the Director on a Village-maintained road, subject to structural analysis for comparison with limerock.
 6. *Wearing Surface*
 - (a) *Roads to Be Publicly Maintained*
See subsection 13.D.1 above.
 - (b) *Roads to be Privately Maintained*
One-inch asphaltic concrete of FDOT type S-III is acceptable.
- C. *Category C*
Category 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.)
 3. *Access Streets*
20-foot pavement. See Appendix D: Illustrations and Cross-Sections, Section E.
 4. *Subgrade*
Six-inch thick (minimum) stabilized subgrade LBR 40 shall be used. If the LBR value of the natural soil is less than 40, the subgrade shall be stabilized in accordance with Section 160, FDOT standard specifications.
 5. *Base*
Six inches compacted limerock or an alternative reviewed by the Director on a Village-maintained road shall be used, subject to structural analysis for comparison with limerock.
 6. *Wearing Surface*
 - (a) *Roads to Be Publicly Maintained*
See subsection 13.D.1 above.
 - (b) *Roads to be Privately Maintained*
See subsection B.6(b) above.
15. *Driveway and Commercial Access Connection Drainage Requirements*
Three conditions of roadside drainage, not including curb and gutter, govern the construction of any structure in the drainage swale.
- A. *Condition A*
 1. Condition A consists of drainage swales of 0.7 feet or less below the edge of road pavement, or swales or ditches designed to provide driveway access without culvert pipe.

2. No pipe, either driveway or continuous swale pipe, is permitted under Condition A. Driveways shall be paved following the slope of the designed swale grade.
- B. Condition B**
1. Condition B consists of drainage swales beginning 0.7 feet below the edge of the road to the following:
 - (a) For residential driveways, depth equal to 0.70 feet plus pipe diameter and the top wall thickness (i.e. 2.15 feet for 15-inch RCP).
 - (b) For commercial accessways, depth equal to one foot plus the pipe diameter and the top wall thickness (i.e. 2.45 feet for 15-inch RCP).
 2. Property owners may install a properly sized pipe in the swale for driveway purposes providing they meet the conditions of subsections (1) and (2) in the section of specifications of structures.
- C. Condition C**
1. Condition C:
 - (a) For residential driveways, depth equal to 0.70 feet plus the pipe diameter and the top wall thickness.
 - (b) For commercial accessways, depth equal to one foot plus the pipe diameter and the top wall thickness and to any depth greater than the above.
 2. The owner may install either properly sized driveway pipe or continuous pipe across the property. If continuous property pipe is proposed, one or more standard catch basins with grates will be required as dictated by the specific conditions of the area.

16. Drainage

The following standards for drainage shall apply:

- A. Curb and gutter type B, F and drop or shoulder (valley). See FDOT Design Standards, current edition.
- B. Roadside swales may be used in excessively drained and somewhat excessively drained to moderately well-drained soils, except where closed drainage is required by the Director. See subsection 15, Driveway and Commercial Access Connection Drainage Requirements, 15.
- C. Roadside swales within privately maintained road rights-of-way shall have slopes no steeper than three horizontal to one vertical. Roadside swales within Village-maintained road rights-of-way shall have side slopes no steeper than four horizontal to one vertical. Normal swale sections shall be a minimum of 12 inches deep. A deviation may be requested from the requirements of this, from the Director, in accordance with Sec. 2-506.C.2, Administrative Deviation.
- D. Where run-off is accumulated or carried in roadway swales and flow velocities in excess of two feet per second are anticipated, closed drainage or other erosion control measures shall be provided. A deviation may be requested from the requirements of this, from the Director, in accordance with Sec. 2-506.C.2, Administrative Deviation.
- E. *Underdrains*
 1. Underdrains may be required on both sides of roads if, in the opinion of the Director, soils data indicates that underdrains would be necessary. In cases where there is a prevalence of soils that exhibit adverse water table characteristics, underdrains or fill or some other acceptable alternative that will provide necessary measures to maintain the structural integrity of the road shall be required. The determination of need shall be made by reference to the applicable portions of the most recent edition of the Soil Survey for Lee County, Florida, as prepared by the U.S. Department of Agriculture, Soil Conservation Service, or according to information generated by the developer's engineer. Wherever road construction or lot development is planned in areas having soil types with unacceptable water table characteristics, underdrains or fill shall be provided and shown on the engineering plans. Underdrains shall be designed with outlets at carefully selected discharge points. Erosion control measures shall be provided as needed at all discharge points. See Appendix D: Illustrations and Cross-Sections, Section F, for suggested underdrain details.

2. Wherever road cuts in otherwise suitable soils indicate that the finish grade will result in a road surface to water table relationship that adversely exceeds the degree of limitation stated above, underdrains or another acceptable alternative that will provide necessary measures to maintain the structural integrity of the road shall be required.

C. Minimum Specifications for Bridge Improvements

All bridge improvements shall meet the standards in the Administrative Manual.

D. Additional Requirements

1. Dedication of Right-of-Way and Completion of Improvements

Prior to acceptance of the roads or the release of security, the developer shall dedicate the rights-of-way and complete the improvements, or provide funds for the completion or installation of the improvements in accordance with the standards and specifications of this section.

2. Work in Village Right-of-Way

- A. Except for emergency repair work, no person shall commence any work in Village-maintained rights-of-way or easements without first having obtained a right-of-way permit from the Village. For the purposes of this subsection only, “work” means:
 1. Excavation, grading, or filling activity of any kind, except the placement of sod on existing grade; or
 2. Construction activity of any kind except the placement of a mail or newspaper delivery box.
- B. The Village shall not issue a right-of-way permit for any private road to connect to any Village-maintained road other than a residential driveway, without approval of drainage plans using approved utility piping materials, in accordance with Appendix E: Piping Materials, that are prepared by a registered engineer.
- C. For single residential buildings of two dwelling units or less on Village-maintained roads, the Village will do all necessary field survey work to establish the proper grade, pipe diameter, and length for driveway culverts.
- D. The inside edge of the pavement at the driveway connection to the road shall be rounded with a minimum radius as shown in Table C-(D)2: Minimum Edge of Pavement Radius at Driveways. A deviation from these standards may be approved by the Director in accordance with Sec. 2-506.C.2, Administrative Deviation.

TABLE C-(D)2: MINIMUM EDGE OF PAVEMENT RADIUS AT DRIVEWAYS			
Street Type	Intersecting Street Type	Minimum Radius (feet)	
		Residential	Commercial/Industrial
Closed (curb and gutter)	Local	n/a	n/a
	Collector	30	35
	Arterial	40	45
Open (no curb and gutter)	Local	25	30
	Collector	30	35
	Arterial	40	45

APPENDIX E: PIPING MATERIALS

TABLE E: APPROVED PIPING MATERIALS FOR USE IN RIGHTS-OF-WAY						
Type of Utility Line	Concrete	Plastic Type	DI	Steel	Aluminum	HDPE
Lines in Traveled Way						
Water	No	Yes [2]	Yes [2]	No	No	Yes [2]
Sewer force main	No	Yes [2] [4]	Yes [2]	No	No	Yes [2]
Sewer gravity main	No	Yes [2]	No	No	No	No
Reuse main	No	Yes [2]	Yes [2]	No	No	Yes [2]
Stormwater drain	Yes	Yes [3] [5]	No	No	No	Yes [3] [5]
Utility conduit	Yes	Yes [2]	Yes	Yes	Yes	Yes [1]
Lines in Right-of-Way						
Water	No	Yes [3] [9]	Yes [2]	No	No	Yes [2]
Sewer force main	No	Yes [2] [4]	Yes [2]	No	No	Yes [2]
Sewer gravity main	No	Yes [2]	No	No	No	No
Reuse main	No	Yes [2]	Yes [2]	No	No	Yes [2]
Stormwater drain	Yes	Yes [3]	No	Yes [1] [8]	Yes [4]	Yes [3]
Utility conduit	Yes	Yes [1]	Yes	Yes	Yes	Yes [1]
Lines in Drainage Easement						
Stormwater	Yes	No	No	Yes [4]	Yes [4]	No
NOTES:						
[1] Encased in concrete, if in banks more than one layer; otherwise, SDR 26, ASTM 2241 or DR 25 AWWA C 900, DR17 HDPE, or thicker.						
[2] In accordance with the LCU Design Manual requirements or all requirements, specifications, and design manual of the utility service area provider (including all casing pipe requirements), whichever is more stringent.						
[3] In compliance with the latest edition of the FDOT Standards for Road and Bridge Construction and related indexes, including, but not limited to, supplemental specifications, Standard Modifications and approved materials list.						
[4] Not on Village-maintained roads.						
[5] Not on Village-maintained Arterial or Collector roads.						

APPENDIX F: RECOMMENDED PLANT LISTS

Table F-1: Recommended Shade Trees

Table F-2: Recommended Ornamental Trees

Table F-3: Recommended Palms

Table F-4: Recommended Shrubs

Table F-5: Recommended Groundcovers

Table F-6: Recommended Vines

Table F-7: Recommended Grasses








TABLE F-1: RECOMMENDED SHADE TREES		
(*) in Common Name field and Green Shading = Native		
Common Name	Botanical Name	Photo
Black Olive 'Shady Lady'*	Bucida buceras 'Shady Lady'	
Dahoon Holly*	Illex cassinne	
Gumbo Limbo*	Bursera simaruba	
Southern Red Cedar*	Juniperus silicicola	
Wild Tamarind*	Lysiloma bahamensis	[no picture]
Royal Poinciana	Delonix regia	
Laurel Oak*	Quercus laurifolia	[no picture]
Live Oak*	Quercus virginiana	
Red Stopper*	Eugenia rhombea	
Long-Leaf Pine*	Pinus palutris	[no picture]








TABLE F-1: RECOMMENDED SHADE TREES		
(*) in Common Name field and Green Shading = Native		
Common Name	Botanical Name	Photo
South Florida Slash Pine*	<i>Pinus elliotii</i> var <i>densa</i>	
Sycamore*	<i>Plantus occidentalis</i>	
Pond Cypress*	<i>Taxodium ascendens</i>	[no picture]
Bald Cypress*	<i>Taxodium distichum</i>	
Jacaranda	<i>Jacaranda mimosifolia</i>	
Trumpet Tree	<i>Tabebuia</i> spp.	
Sweetgum*	<i>Liquidambar styraciflua</i>	
East Palatka Holly*	<i>Ilex x attenuata</i>	[no picture]
Green Buttonwood*	<i>Conocarpus erecta</i>	
Sweet Acacia	<i>Acacia farnesiana</i>	[no picture]

TABLE F-1: RECOMMENDED SHADE TREES		
(*) in Common Name field and Green Shading = Native		
Common Name	Botanical Name	Photo
Southern Magnolia*	Magnolia grandiflora	
Pigeon Plum*	Coccoloba diversifolia	
Cypress*	Cupressus spp.	
American Elm *	Ulmus americana	
Red Maple*	Acer rubrum	
Sweetbay*	Magnolia virginiana	
Short-leaf Fig*	Ficus citrifolia	
Red Mulberry*	Morus rubra	

TABLE F-1: RECOMMENDED SHADE TREES (*) in Common Name field and Green Shading = Native		
Common Name	Botanical Name	Photo
Pond Apple*	<i>Annona glabra</i>	
Iron Wood*	<i>Carpinus caroliniana</i>	
White Mangrove*	<i>Laguncularia racemosa</i>	
West Indian Mahogany*	<i>Swietenia mahogoni</i>	
Red Mangrove*	<i>Rhizophora mangle</i>	
Coastal-Plain Willow*	<i>Salix caroliniana</i>	
Paradis Tree*	<i>Simarouba glauca</i>	
Loblolly Bay*	<i>Gordonia lasianthus</i>	



TABLE F-1: RECOMMENDED SHADE TREES (*) in Common Name field and Green Shading = Native		
Common Name	Botanical Name	Photo
Hackberry*	Celtis laevigata	
American Elm*	Ulmus americana	

TABLE F-2: RECOMMENDED ORNAMENTAL TREES		
(*) in Common Name Field and Green Shading = Native		
Common Name	Botanical Name	Photo
Weeping Yaupon Holly*	Ilex vomitoria 'Pendula'	[no picture]
Hong Kong Orchid Tree	Bauhinia blakeana	[no picture]
Silk Floss Tree	Chorisia speciose	
Jamaica Dogwood*	Piscidia piscipula	[no picture]
Desert Cassia	Senna polyphylla	
Dahoon Holly	Ilex cassine	
Geiger Tree	Cordia sebestena	
Bottlebrush	Callistemon spp.	
Loquat	Eriobotrya japonica	
Japanese Fern Tree	Filicium decipiens	[no picture]
Crape Myrtle	Lagerstroemia indica	
Queens Crape Myrtle	Lagerstroemia speciosa	

TABLE F-3: RECOMMENDED PALMS		
(*) in Common Name Field and Green Shading = Native		
Common Name	Botanical Name	Photo
Silver Palm	<i>Coccothrinax argentata</i>	[no picture]
Coconut Palm	<i>Cocos nucifera</i>	
Macarthur Palm	<i>Ptychosperma macarthurii</i>	[no picture]
European Fan Palm	<i>Chamaerops humilis</i>	
Bismarck Palm	<i>Bismarckia nobilis</i>	
Montgomery Palm	<i>Veitchia montgomeryana</i>	
Piccabean palm	<i>Archontophoenix cunninghamiana</i>	[no picture]
Pindo Palm	<i>Butia odorata</i>	
Arikury palm	<i>Syagrus schizophylla</i>	
Chinese Fan Palm	<i>Livistona chinensis</i>	
Canary Island Date Palm	<i>Phoenix canariensis</i>	
'Medjool' Date Palm	<i>Phoenix dactylifera medjool</i>	[no picture]

TABLE F-3: RECOMMENDED PALMS		
(*) in Common Name Field and Green Shading = Native		
Common Name	Botanical Name	Photo
'Sylvestris' Date Palm	Phoenix dactylifera sylvestris	
Hybrid Clumping Date Palm	Phoenix reclinata x roebelenii	[no picture]
Pygmy Date Palm	Phoenix roebelenii	
Lady Palm	Rhapis excelsa	
Travelers Palm	Ravenala madagascariensis	
Florida Royal Palm*	Roystonea regia	
Sabal Palm*	Sabal palmetto	
Saw Palmetto*	Serenoa spp.	
Florida Thatch Palm*	Thrinax radiata	
Windmill Palm	Trachycarpus fortunei	



TABLE F-3: RECOMMENDED PALMS		
(*) in Common Name Field and Green Shading = Native		
Common Name	Botanical Name	Photo
Foxtail Palm	Wodyetia bifurcata	
Paurotis Palm*	Acoelorrhaphe wrightii	


TABLE F-4: RECOMMENDED SHRUBS		
(*) in Common Name Field and Green Shading = Native		
Common Name	Botanical Name	Photo
Green Buttonwood	Conocarpus erecta	
Jamaica Caper	Capparis cynophallophora	
Florida Privet*	Forestiera segregata	[no picture]
Sea Grape*	Coccoloba uvifera	
Small Leaf Clusia	Clusia guttifera	
Silver Buttonwood*	Conocarpus erectus var. sericeus	
Japanese Privet	Ligustrum japonicum	
Starburst	Clerodendron quadriloculare	
Elephant Ear	Colocasia esculenta	
Copper Leaf	Acalypha wilkesiana	
Blue Plumbago	Plumbago auriculata	
Croton	Codiaeum variegatum	
Golden Dewdrop	Duranta erecta	

TABLE F-4: RECOMMENDED SHRUBS		
(*) in Common Name Field and Green Shading = Native		
Common Name	Botanical Name	Photo
African Lily	Agapanthus orientalis	
Bird-of-Paradise	Strelitzia spp.	
Leather Fern*	Acrostichum daneifolium	[no picture]
Coco Plum*	Chrysobalanus icaco	
Yellow Jasmine	Jasminum fruticans	[no picture]
Dwarf Boxwood	Buxus sempervirens suffruticosa	[no picture]
Viburnum*	Viburnum spp.	
Ginger	Alpinia spp.	
Bougainvillea	Bougainvillea spp.	
Powderpuff	Calliandra haematocephala	
Beauty Bush*	Callicarpa americana	
Natal Plum	Carissa macrocarpa	
Dwarf Oleander	Nerium oleander	
Cast Iron Plant	Aspidistra elatior	[no picture]
Schefflera	Schefflera spp.	

TABLE F-4: RECOMMENDED SHRUBS		
(*) in Common Name Field and Green Shading = Native		
Common Name	Botanical Name	Photo
Firecracker	Russelia equisetiformis	
Agave*	Agave spp.	
Crinum Lily	Crinum spp.	
Firebush*	Hamelia patens	
Thryallis	Galphimia gracilis	
Wax Myrtle*	Myrica cerifera	
Crepe Jasmine	Tabernaemontana divaricata	
Simpson's Stopper*	Myrcianthes fragrans 'simsonii'	[no picture]
'Xanadu' Philodendron	Philodendron spp.	
Coontie*	Zamia floridana	
Spanish Stopper*	Eugenia myrtoides	[no picture]
Gladiolus	Gladiolus hortalanus	[no picture]
Crown of Thorns	Euphorbia millii	
Gardenia	Gardenia spp.	[no picture]
Hibiscus	Hibiscus rosasinensis	

TABLE F-4: RECOMMENDED SHRUBS		
(*) in Common Name Field and Green Shading = Native		
Common Name	Botanical Name	Photo
Dwarf Yaupon Holly*	Ilex vomitoria	
Ixora	Ixora spp.	
Jasmine	Jasminum spp.	
Parson's Juniper	Juniperus chinensis 'Parsonii'	
Macho Fern*	Nephrolepis Faleata	
Podocarpus	Podocarpus spp.	
Wild Coffee *	Psychotria nervosa	
Glory Bush	Tibouchina spp.	[no picture]
Cardboard Palm	Zamia furfuracea	
Yellow Elder	Tecoma stans	
White snapper*	Eugenia axillaris	
Ironwood*	Eugenia confusa	
Tallowood*	Ximenia americana	


TABLE F-4: RECOMMENDED SHRUBS		
(*) in Common Name Field and Green Shading = Native		
Common Name	Botanical Name	Photo
Cherry Laurel*	Prunus caroliniana	













TABLE F-5: RECOMMENDED GROUNDCOVERS		
(*) in Common Name Field and Green Shading = Native		
Common Name	Botanical Name	Photo
Lantana	Lantana spp	
Dusty Miller	Centaurea gymnocarpa	[no picture]
Confederate Jasmine	Trachelospermum jasminoides	
Creeping Juniper	Juniperus horizontalis	
Perennial Peanut	Arachis glabrata	
Liriope	Lily Turf	
Wart Fern	Microsorium scolopendrium	
Beach Sunflower*	Helianthus debilis	
Blue Flag Iris*	Iris hexagona savannarum	
Egyptian Star Clusters	Pentas	[no picture]
Asparagus Fern	Asparagus densiflorus	
Holly Fern	Cytromium falcatum	
Blue Porterweed	Stachytarpheta jamaicensis	
Yellow Canna*	Canna flaccida	




TABLE F-5: RECOMMENDED GROUNDCOVERS		
(*) in Common Name Field and Green Shading = Native		
Common Name	Botanical Name	Photo
Fountain Grass	Pennisetum spp.	
Jasmine	Jasminum spp.	
Fern	Nephrolepis spp.	








TABLE F-6: RECOMMENDED VINES		
(*) in Common Name Field and Green Shading = Native		
Common Name	Botanical Name	Photo
Carolina Jessamine	Gelsemium sempervirens	
Confederate Jasmine	Trachelospermum jasminoides	
Coral Honeysuckle*	Lonicera sempervirens	[no picture]

TABLE F-7: RECOMMENDED GRASSES		
(*) in Common Name Field and Green Shading = Native		
Common Name	Botanical Name	Photo
Fakahatchee Grass*	Tripsacum floridana	
Muhly Grass*	Muhlenbergia capillaris	
Sand Cord Grass*	Spartina bakeri	
Soft Rush*	Juncus effusus	
Water Lily*	Nymphaea spp.	[no picture]
Arrowhead*	Sagittaria spp.	
Arrowroot*	Thalia geniculata	[no picture]

APPENDIX G: PROTECTED TREE LIST

TABLE G: PROTECTED TREE LIST	
Family Name	
Scientific Name	Common Name
ACERACEAE (MAPLE FAMILY)	
<i>Acer rubrum</i>	Red Maple
ANACARDIACEAE (CASHEW FAMILY)	
<i>Rhus copallina</i>	Southern Sumac
ANNONACEAE (CUSTARD-APPLE FAMILY)	
<i>Annona glabra</i>	Southern Sumac
AQUIFOLOIACEAE (HOLLY FAMILY)	
<i>Ilex cassine</i>	Dahoon Holly
AREACACEAE (PALM FAMILY)	
<i>Coccothrinax argentata</i>	Silver Palm
<i>Cocos nucifera</i>	Coconut Palm
<i>Roystonea elata</i>	Florida Royal Palm
<i>Sabal palmetto</i>	Cabbage Palm
AVICENNIACEAE (BLACK MANGROVE FAMILY)	
<i>Avicennia germinans</i>	Black Mangrove
BETULACEAE (BIRCH FAMILY)	
<i>Carpinus caroliniana</i>	Iron Wood
BURSERACEAE (TORCHWOOD FAMILY)	
<i>Bursera simaruba</i>	Geiger Tree
CAPPARACEAE (CAPER FAMILY)	
<i>Capparis cynophallophora</i>	Jamaica Caper
COMBRETACEAE (WHITE MANGROVE FAMILY)	
<i>Bucida buceras</i>	Black Olive
<i>Conocarpus erecta</i>	Buttonwood
<i>Laguncularia racemosa</i>	White Mangrove
CORNACEAE (DOGWOOD FAMILY)	
<i>Cornus foemina</i>	Swamp Dogwood
CUPRESSACEAE (CYPRESS FAMILY)	
<i>Juniperus silicicola</i>	Southern Red Cedar
EBENACEAE (EBONY FAMILY)	
<i>Diospyros virginiana</i>	Persimmon
FABACEAE (PEA FAMILY)	
<i>Acacia farnesiana</i>	Sweet Acacia
<i>Lysiloma bahamensis</i>	Wild Tamarind
<i>Piscidia piscipula</i>	Jamaica Dogwood
<i>Pithecellobium unguis-cati</i>	Cat Claw
FAGACEAE (OAK FAMILY)	
<i>Quercus chapmani</i>	Chapman Oak
<i>Quercus incana</i>	Bluejack Oak
<i>Quercus laevis</i>	Turkey Oak
<i>Quercus laurifolia</i>	Laurel Oak

TABLE G: PROTECTED TREE LIST	
Family Name	
Scientific Name	Common Name
<i>Quercus myrtifolia</i>	Myrtle Oak
<i>Quercus nigra</i>	Water Oak
<i>Quercus virginiana</i>	Live Oak
<i>Quercus virginiana geminata</i>	Sand Live Oak
HAMAMELIDACEAE (WITCH-HAZEL FAMILY)	
<i>Liquidambar styraciflua</i>	Sweet Gum
JUGLANDACEAE (WALNUT AND HICKORY FAMILY)	
<i>Carya aquatica</i>	Water Hickory
<i>Carya glabra</i>	Pignut Hickory
LAURACEAE (LAUREL FAMILY)	
<i>Persea borbonia</i>	Red Bay
<i>Persea palustris</i>	Swamp Bay
MAGNOLIACEAE (MAGNOLIA FAMILY)	
<i>Magnolia grandiflora</i>	Southern Magnolia
<i>Magnolia virginiana</i>	Sweetbay
MELIACEAE FAMILY (MAHOGANY FAMILY)	
<i>Swietenia mahogoni</i>	West Indian Mahogany
MORACEAE (MULBERRY FAMILY)	
<i>Ficus aurea</i>	Strangler Fig
<i>Ficus citrifolia</i>	Short-leaf Fig
<i>Morus rubra</i>	Red Mulberry
MYRTACEAE (MYRTLE FAMILY)	
<i>Eugenia axillaris</i>	White Snapper
<i>Eugenia confusa</i>	Ironwood
<i>Eugenia rhombea</i>	Red Stopper
<i>Eugenia myrtoides</i>	Spanish Stopper
<i>Myrcianthes fragans</i>	Simpson Stopper
NYSSACEAE (SOUR GUM FAMILY)	
<i>Nyssa sylvatica</i>	Black Gum/Black Tupelo
OLACACEAE (XIMENIA FAMILY)	
<i>Ximenia Americana</i>	Tallowood
OLEACEAE (OLIVE FAMILY)	
<i>Forestiera segregata</i>	Florida Privet
<i>Fraxinus caroliniana</i>	Pop Ash
PINACEAE (PINE FAMILY)	
<i>Pinus elliottii</i> var <i>densa</i>	South Florida Slash Pine
<i>Pinus palustris</i>	Long-leaf Pine
PLATANACEAE (SYCAMORE FAMILY)	
<i>Platanus occidentalis</i>	Sycamore
POLYGONACEAE (BUCKWHEAT FAMILY)	
<i>Coccoloba diversifolia</i>	Pigeon Plum
<i>Coccoloba uvifera</i>	Sea Grape
RHIZOPHORACEAE (RED MANGROVE FAMILY)	
<i>Rhizophora mangle</i>	Red Mangrove

TABLE G: PROTECTED TREE LIST	
Family Name	
Scientific Name	Common Name
ROSACEAE (ROSE FAMILY)	
Prunus caroliniana	Cherry Laurel
RUTACEAE (RUE FAMILY)	
Zanthoxylum clava-herculis	Hercules Club
SALICACEAE (WILLOW FAMILY)	
Salix caroliniana	Coastal-Plain Willow
SAPOTACEAE (SAPODILLA FAMILY)	
Bumelia celastrina	Buckthorn/Saffon Plum
Bumelia tenax	Buckthorn/Tough Bumelia
Chrysophyllum oliviforme	Satinleaf
Mastichodendron foetidissimum	Mastic
SIMAROUBACEAE (QUASSIA FAMILY)	
Simarouba glauca	Paradise Tree
TAXODIACEAE (BALD CYPRESS FAMILY)	
Taxodium ascendens	Pond Cypress
Taxodium distichum	Bald Cypress
THEACEAE (CAMELIA FAMILY)	
Gordonia lasianthus	Loblolly Bay
THEOPHRASTACEAE (JOEWOOD FAMILY)	
Jacquinia keyensis	Joewood
ULMACEAE (ELM FAMILY)	
Celtis laevigata	Hackberry
Ulmus americana	American Elm

APPENDIX H: PROTECTED SPECIES LIST

TABLE H: PROTECTED SPECIES LIST							
Scientific Name	Common Name	FLUCFCS	Month Beginning	Month Ending	Rec. Buffer Guideline (Feet)	Buffer For	Aspects to be Included in Survey
Reptile**							
Alligator mississippiensis	American alligator	500 series, 610, 621, 630, 641, 653	N/A	N/A	500	Nest	Nests, sunning areas
Crocodylus acutus	American crocodile	642, 651	N/A	N/A	500	Nests	Nests, sunning areas
Drymarchon corais couperi	Eastern indigo snake	320 series, 411, 412, 414, 421, 425, 426, 427, 428	N/A	N/A	150	Gopher tortoise burrows	Burrows, feeding
Gopherus polyphemus	Gopher tortoise	320 series, 411, *412, 421, 426, 427, 432, 743	N/A	N/A	150	Burrows	Burrows, feeding
Rana areolata	Gopher frog	320 series, 411, 412, 421, 426, 560, 620, 630	N/A	N/A	150	Gopher tortoise burrows	Burrows, feeding paths to wetlands
Bird**							
Ajaia ajaja	Roseate spoonbill	500 series, 612, 642, 652, 653, 654	N/A	N/A	250	Feeding	Feeding
Aphelocoma coerulescens	Florida scrub jay	412, 421, 432	N/A	N/A	500	Nest	Feeding, nests
Aramus guarauna	Limpkin	500 series, 617, 621, 630, 641, 643	N/A	N/A	150	Nests	Feeding (harbor apple snails), nests
Athene cunicularia floridana	Burrowing owl	191, 192, 310	N/A	N/A	150	Burrows	Burrows
Charadrius alexandrinus tenirostris	Southeastern snowy plover	651, 652, 710	N/A	N/A	250	Nests	Nests, feeding
Charadrius melodus	Piping plover	651, 652, 710	Dec.	May	250	Nests	Nest, feeding
Egretta caerulea	Little blue heron	500 series, 600 series	N/A	N/A	250	Nests	Nests, feeding
Egretta rufescens	Reddish egret	500 series, 610, 640, 650	N/A	N/A	250	Nests	Nests, feeding
Egretta thula	snowy egret	500 series, 600 series	N/A	N/A	250	Nests	Nests, feeding

TABLE H: PROTECTED SPECIES LIST							
Scientific Name	Common Name	FLUCFCS	Month Beginning	Month Ending	Rec. Buffer Guideline (Feet)	Buffer For	Aspects to be Included in Survey
<i>Egretta tricolor</i>	Tricolored heron	500 series, 600 series	N/A	N/A	250	Nests	Nests, feeding
<i>Falco peregrinus tundrius</i>	Arctic peregrine falcon	620, 650	Sept.	April	150	Feeding	Feeding
<i>Falco sparverius paulus</i>	Southeastern American kestrel	321, 411, 435	March	July	500	Nests	Nests, feeding
<i>Grus canadensis pratensis</i>	Florida sandhill crane	(211, 212)**, 310, 321, 641	N/A	N/A	500	Nests	Nests, feeding
<i>Haematopus palliatus</i>	American oystercatcher	651, 652, 645, 710	N/A	N/A	250	Nests	Nests, feeding
<i>Mycteria americana</i>	Wood stork	560, 610, 621, 630, 640, 650	N/A	N/A	500	Nests	Nests, feeding
<i>Pelecanus occidentalis</i>	Brown pelican	612, 650	N/A	N/A	250	Nests	Nests
<i>Picoides borealis</i>	Red-cockaded woodpecker	411	N/A	N/A	750	Nests	Nests, feeding
<i>Polyborus plancus audubonii</i>	Audobon's crested caracara	321, 428	N/A	N/A	750	Nests	Nests, feeding
<i>Rostrhamus sociabilis</i>	Snail kite	520, 641, 643	N/A	N/A	250	Feeding	Feeding (harbor apple snails areas)
<i>Sterna antillarum</i>	Least tern	191, 261, 651, 652	April	Sept.	250	Nests	Nests, feeding
<i>Sterna douballii</i>	Roseate tern	651, 652, 710	Jan.	April	250	Feeding	Feeding
Mammal**							
<i>Felis concolor coryi</i>	Florida panther	(211)***, 212, 411, 414, 425, 427, 428, 434, 617, 621, 624, 630	N/A	N/A	750	Dens	Dens, feeding
<i>Mustela vison evergladensis</i>	Everglades mink	500 series, 620, 630, 641, 643	N/A	N/A	250	Dens	Dens, feeding
<i>Sciurus niger avicennia</i>	Big Cypress fox squirrel	411, 610, 620	N/A	N/A	125	Nests	Nests, feeding

TABLE H: PROTECTED SPECIES LIST							
Scientific Name	Common Name	FLUCFCS	Month Beginning	Month Ending	Rec. Buffer Guideline (Feet)	Buffer For	Aspects to be Included in Survey
<i>Ursus americanus floridanus</i>	Florida black bear	321, 411, 414, 425, 427, 428, 438, 612, 617, 621, 624, 630	N/A	N/A	750	Dens	Dens, feeding
Plant**							
<i>Asclepias curtissii</i>	Curtis milkweed	320 series	N/A	N/A	10	Plant	Sighting
<i>Burmannia flava</i>	Fakahatchee burmannia	320 series, 411, 412	N/A	N/A	10	Plant	Sighting
<i>Celtis iguanaea</i>	Iguana hackberry	322, 426	N/A	N/A	10	Plant	Sighting
<i>Celtis pallida</i>	Spiny hackberry	322, 426	N/A	N/A	10	Plant	Sighting
<i>Cereus gracillis</i>	Prickly-apple	322, 426, 612	N/A	N/A	10	Plant	Sighting
<i>Chrysophyllum olivaeforme</i>	Satinleaf	411, 426	N/A	N/A	10	Plant	Sighting
<i>Deeringothamnus pulchellus</i>	Beautiful pawpaw	321, 411	N/A	N/A	10	Plant	Sighting
<i>Eragrostis tracyi</i>	Sanibel love grass	710	N/A	N/A	10	Plant	Sighting
<i>Erodia littoralis</i>	Golden creeper	322	N/A	N/A	10	Plant	Sighting
<i>Gossypium hirsutum</i>	Wild cotton	611	N/A	N/A	10	Plant	Sighting
<i>Jacquina keyensis</i>	Joewood	322, 426	N/A	N/A	10	Plant	Sighting
<i>Myrcianthes fragrans</i> var. <i>simpsonii</i>	Simpon's stopper	427, 428	N/A	N/A	10	Plant	Sighting
<i>Ophioglossum palmatum</i>	Hand adder's tongue fern	427	N/A	N/A	10	Plant	Sighting
<i>Tillandsia flexuosa</i>	Twisted air plant	426, 427, 610	N/A	N/A	10	Plant	Sighting
<i>Zamia floridana</i>	Florida coontie	320 series, 411, 412, 421, 426	N/A	N/A	10	Plant	Sighting
<p>NOTES:</p> <p>*Mesic and xeric 411 only.</p> <p>**Only when associated with vegetated nonforested wetlands.</p> <p>***Only when associated with large adjacent woodlands.</p>							

APPENDIX I: WELLFIELD PROTECTION ZONE MAP

