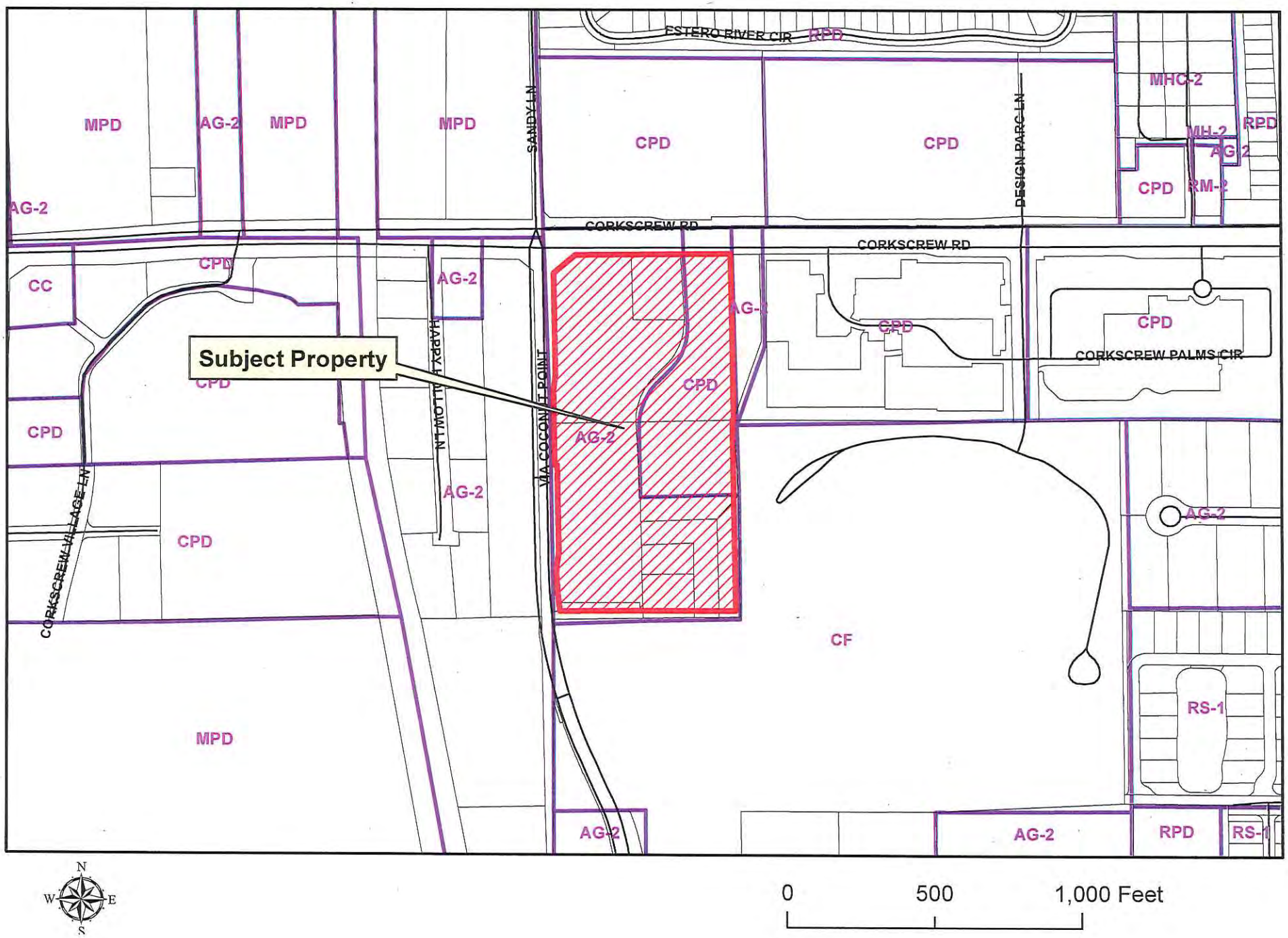
ATTACHMENT A

Maps

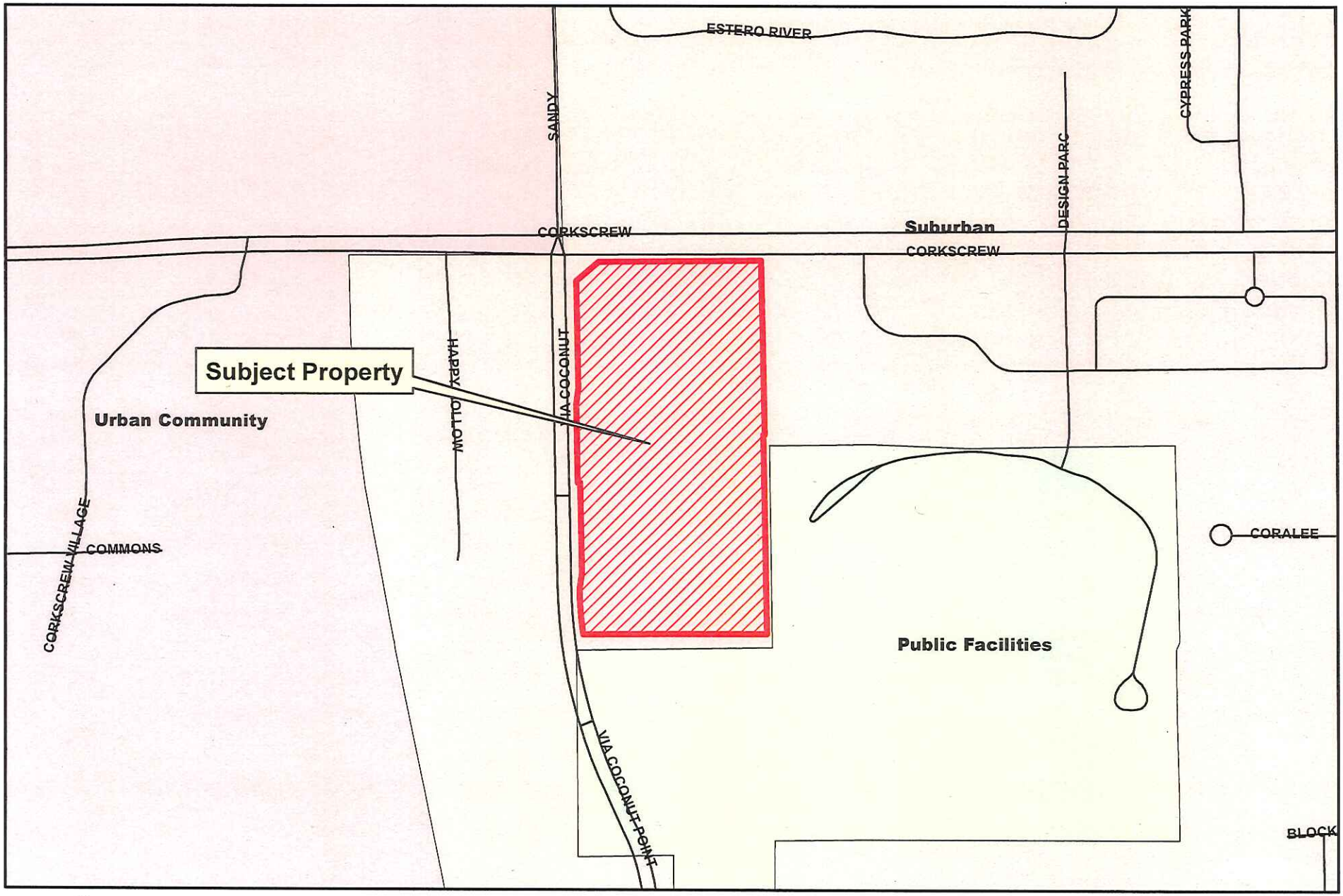
DCI2015-00009

ZONING MAP



DCI2015-00009

Future Land Use Map



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DCI2015-00009

2015 Aerial Map

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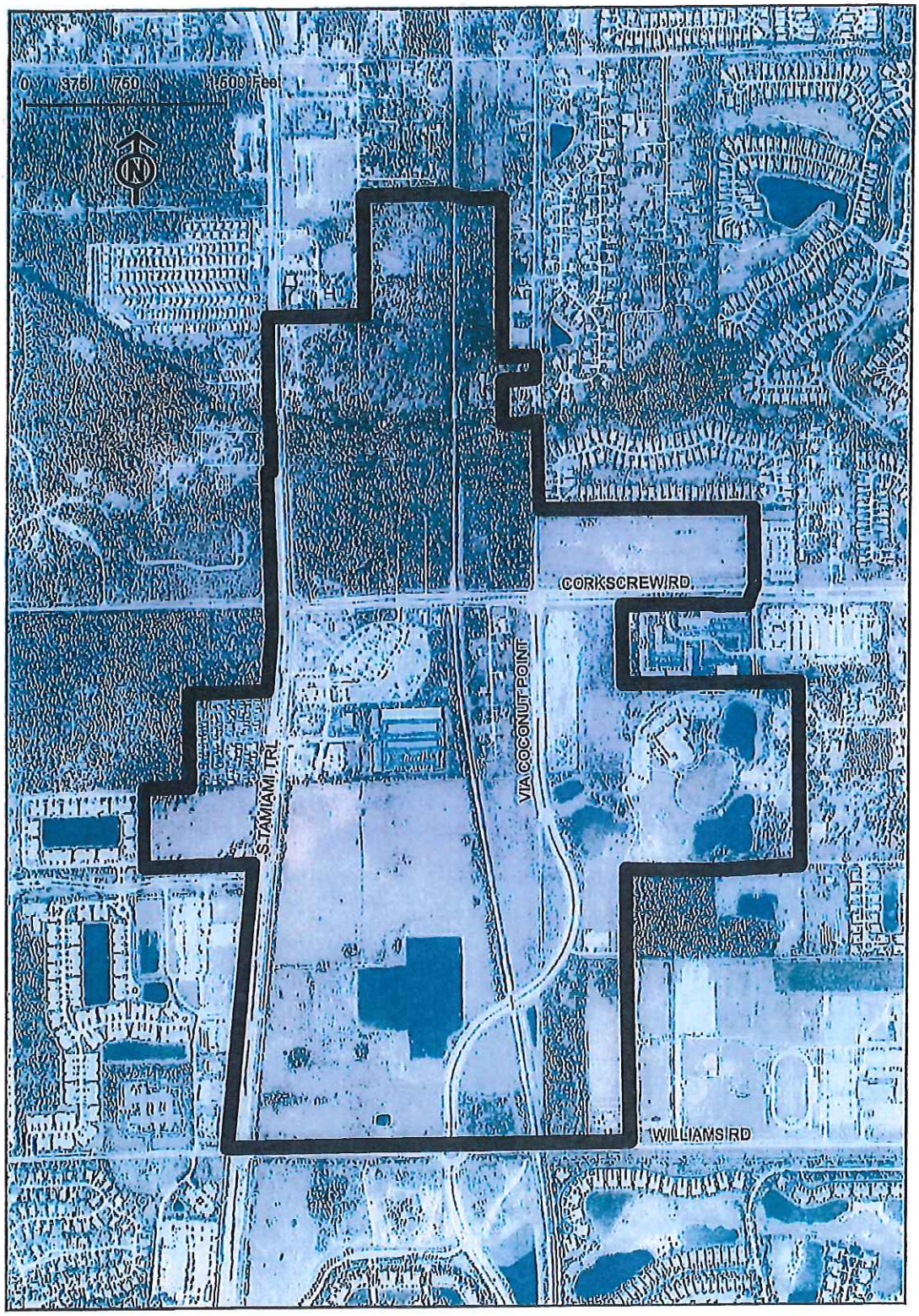
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CORKSCREW RD
VIA COCONUT POINT
S TAMIAMI TRL
WILLIAMS RD

MAP A

ATTACHMENT B

Conditions

GENOVA CONDITIONS

1. Master Concept Plan/Development Parameters
The development of this project must be consistent with the Master Concept Plan for "Genova", dated last revised December 7, 2015, except as modified by the conditions below. This development must comply with all requirements of the Village of Estero Land Development Code (LDC) at time of local Development Order approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

   Issuance of a development permit by the Village of Estero does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the Village for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertake actions that result in a violation of state or federal law.

   The project is approved for 205 multi-family units with a maximum building height of 4 stories/45 feet.

2. Uses and Site Development Regulations

   The following limits apply to the project and uses:

   a. Schedule of Uses – See **Exhibit A**

   b. Property Development Regulations – See **Exhibit A**

3. Open Space
The local development order must include a minimum of 40% open space within the approved planned development.

4. Buffers
Buffers must be consistent with the requirements of the Village of Estero Land Development Code, except as granted by deviation as part of this rezoning action.

5. Pedestrian Connections to Estero Community Park
Pedestrian connections and sidewalks will be provided as shown on the Master Concept Plan and will be constructed as part of the development order.

6. Traffic Conditions
Connections to Corkscrew Road and to Via Coconut Point are subject to the review and approval of the Lee County Department of Transportation, unless the road is turned over to the Village of Estero for maintenance.

7. Vehicular/Pedestrian Impacts

Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Village of Estero LDC may be required to obtain a local development order.

8. Transitional Comprehensive Plan
Approval of this zoning request does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Transitional Comprehensive Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), as may be amended from time to time.

9. Concurrency
Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in LDC Chapter 2 and the Village of Estero Transitional Comprehensive Plan. The developer is required to demonstrate compliance with all concurrency requirements prior to issuance of a local development order.

10. Agricultural Uses
Agricultural Uses: Existing bona fide agricultural uses on this site are allowed:

(a) Bona fide agricultural uses consisting of row crops, that were in existence when the application for this project was filed, may continue in the areas depicted on **EXHIBIT B** until a local development order is approved for the area containing the agricultural uses.

(b) Clearing or injury of native trees or other native vegetation, including understory, in agricultural areas is prohibited. Existing areas of bona fide agricultural use that include existing grass pasture(s) may be mowed but those areas may not be cleared or expanded. Violations of this condition will require restoration in accordance with LDC 10-423. This prohibition of clearing or expansion of agricultural use is not intended to preclude Village approved requests for removal of invasive exotic vegetation.

(c) Prior to issuance of a local development order for the portion that contains the agricultural use, the property owner must provide written proof, subject to approval by the Village Attorney of the following:

(1) Termination of all agricultural use on the property included in the development order application/approval. Proof must include a sworn affidavit from the person or entity holding title to the property that specifically provides:

a) the date the agricultural uses ceased;

b) the legal description of the property subject to the development order approval;

c) an affirmative statement that the owner acknowledges and agrees that all agricultural uses are illegal and prohibited on the property and that the owner covenants with the Village that they will not

allow agricultural uses on the property until the property is re-zoned to permit agricultural uses; and ,

d) that the affidavit constitutes a covenant between the owner and the county that is binding on the owner, their assignees and successors in interest.

The affidavit must be properly recorded in the public records of the county at the owner's expense.

(2) Proof of termination of the agricultural tax exemption for the portion of the property included in the development order application/approval. Proof of termination must include a copy of the owner's request to terminate the tax exemption provided to the Property Appraiser.

11. Solid Waste Management
As part of any local development order approval for vertical development, the development order plans must include facilities in compliance with LDC Section 10-261 and Solid Waste Ordinance #11-27 for the pick-up/disposal of solid waste and recyclables. The minimum area required for, and specific locations of, these facilities will be reviewed at the time of local development order application.

12. Pattern Book
This project must be developed in substantial compliance with the Genova Pattern Book dated 1/28/15. The Pattern Book will be reviewed by the Design Review Board and may be required to be amended pursuant to that review, prior to issuance of any development order.

13. Gates and Walls
Gates and walls will be designed as "stealth" and will not be visible from the roadway.

14. Incentive Offerings
The applicant's incentive offerings are incorporated into this zoning approval as **Exhibit C**. Location and details are shown on the Master Concept Plan and in the Pattern Book.

15. Maintenance
The applicant will maintain the linear park, pocket park and median landscaping of Via Coconut Point in perpetuity.

16. Cash Contribution
The cash contribution offered by the applicant for a future park entry road will be provided as part of the local development order review. The funds will be deposited into a Village escrow account as approved by the Village attorney.

EXHIBITS:

A. Schedule of Uses and Property Development Regulations
B. Agricultural Affidavit
C. Incentive Offerings

Genova

Schedule of Uses and Property Development Regulations

Note: Underlining indicates staff additions

Property Development Regulations

Minimum Lot Area:	7,500 square feet
Minimum Lot Width:	100 feet
Minimum Lot Depth:	75 feet
Minimum Building Separation:	15 feet
Maximum Lot Coverage:	50%
Maximum Height:	4 stories / 45 feet

Minimum Building Setbacks

Street:	5 feet min – 30 feet max. (See Deviation for Buildings along Via Coconut)
Side:	25 feet
Rear:	25 feet
Water Body:	25 feet
Minimum Open Space:	40%

Schedule of Uses

Accessory of Uses and Structures
Agricultural uses, continuation of bona fide use only (see zoning condition)
Dwelling Units: Multiple-Family
Entrance gates and gatehouse (not visible from roadway)
Essential service facilities, (34-622© (13)), Group I
Excavation: Water retention, detention
Fences and Walls (not visible from roadway)
Model Display Unit (for units in this development only)
Parks
Parking lot: Accessory, Temporary, Garage (temporary parking lot during construction only)
Real Estate Sales and Rental Office – limited to sales and/or rental of units within the development
Recreation facilities: Personal, Private, Private On-site
Signs in accordance with Chapter 30 and Chapter 33
Temporary Uses in accordance with LDC Section 34-3041:
- Temporary contractor's office and equipment storage shed
- Temporary telephone distribution equipment
- Temporary storage facilities (during construction only)

EXHIBIT A

BONA FIDE AGRICULTURAL USE AT THE TIME OF ZONING APPLICATION AFFIDAVIT

WHEREAS, Section 34-202(b)(7), Village of Estero Land Development Code, requires property located in an agricultural zoning district at the time a zoning application is filed to include an existing agricultural use affidavit; and

WHEREAS, the affidavit, pursuant to the Land Development Code, must identify the property in question with specificity, and the affidavit must identify whether or not a bona fide agricultural use is in existence on the property at the time the application was filed.

STATE OF FLORIDA
COUNTY OF LEE

BEFORE ME, the undersigned notary public on this 27th day of MAY, 2015, personally appeared James "Jim" Wallace, Managing Partner of Genova Partners, LLC, who is personally known to me or who produced a Drivers License as identification and who, after first being duly sworn, deposes and says that:

1. The property that is subject of the zoning application is described more completely on the attached Exhibit "A".
2. That I am the authorized representative of the Limited Liability Company that owns the property described in Exhibit "A".
3. The property in question is zoned AG-2 and CPD. Section 34-202(b)(7) does not require an agricultural affidavit for property that is not located in an agricultural district at the time of zoning.
4. The property is currently in an agricultural use and the use is a legal non-conforming use on the CPD portion of the property.
5. The agricultural use of the subject property is row crops.
6. The row crops are occurring within the area identified on the attached Exhibit "B".
7. The affiant intends to continue the existing agricultural activity subsequent to the rezoning.

DCI2015-00009

FURTHER AFFIANT SAYETH NAUGHT.

EXHIBIT B

GENOVA PARTNERS, LLC

By: _____
Name: James "Jim" Wallace
Title: Managing Partner

SWORN TO and subscribed before me on the date and year first above written.

(Notary Seal)

KATHLEEN A. PETERS
MY COMMISSION # FF 180270
EXPIRES: January 14, 2019
Bonded Thru Notary Public Underwriters

Kathleen A. Peters
Signature of Notary Public

Kathleen A. Peters
(Print, type of stamp commissioned name of Notary Public)

Commission No.# FF 180270

2015-00009

Stantec

Tangible Benefits & Incentive Offerings

ARCHITECTURE

1. **Precedent-setting Design** – The Italianate architecture will set a quality standard for the Village Center.
2. **360-Degree Urban Look. No rear Elevations** – The 4-sided building design creates street-front, lake-front and park-front elevations without any rear elevation. A truly urban look.
3. **Stealth Parking. No Parking Lots.** – Buildings are 3 residential levels over a parking level. All resident and visitor parking is indoors, completely hidden from public view.
4. **Stealth Security. No Perimeter Walls.** – In lieu of walls Genova uses the garage level of residential buildings, fencing hidden in landscaping and lakes to provide necessary security.
5. **Sustainable Design for Future Mixed-use.** – The pod design of the liner buildings provide for possible future conversion to low-impact commercial uses (professional office or shops) if and whenever Via Coconut Point Road becomes a local urban streetscape with on-street parking.

SOCIAL VITALITY

1. **1/3 Mile of Public Pedestrian Way** – The landscaped "walk & stop" frontage along Corkscrew Road and Via Coconut Point Road with places for sitting, gazing, painting and conversation invites personal interaction within the public space.
2. **Public Linear Park along Corkscrew Road** - 1/8 mile linear park with meandering sidewalk, pergolas, sculptures, sitting areas and extensive landscaping. Approximately 1/3 acre of newly created public space.
3. **Public Pocket Park and Future Bus Stop on Via Coconut Point Road** – A pergola with landscaped sitting area and possible future transit stop.
4. **Public Lakeside Sitting Areas** – 2 sitting/viewing/painting areas along Via Coconut Point Road overlooking 2 acres of lakes, bridges and sculpture.

Stantec

5. **Not Age-Restricted. Diverse Housing** – Housing alternatives for working professionals without children (Empty-nesters and DINK Millenials) and aging Baby Boomers downsizing.

LANDSCAPING

1. **Canopy Trees & Picnic Areas within Estero Community Park** – Along the east and south side of Genova.
2. **Larger Trees for More Mature Streetscapes** – 18 ft Black Olive canopy trees along Corkscrew Road and Via Coconut Point Road to accelerate a mature urban look and provide shade for pedestrians.
3. **Plantings, Irrigation and Maintenance of Via Coconut Point Road Median Landscaping** – Canopy trees, palms, bushes and under-plantings of the Via Coconut Point Road median from Corkscrew Road to the proposed new park entry (just south of Genova).
4. **Jack-and-bore and Irrigation for Via Coconut Point Road Median** – 1/4 mile from Corkscrew Road to the proposed new park entry.
5. **Interweaving Public ROW and Genova Setbacks** – Integrating the Corkscrew Road and Via Coconut Point Road ROWs with Genova's hardscape and landscape to create a more inviting street-side environment .

CONNECTIVITY

1. **7 Pedestrian Gates Promote Walkability** – 7 pedestrian gates connect residents to Corkscrew Road, Estero Community Park and Via Coconut Point Road and discourage "use of a car" for neighborhood trips.
2. **Transit Ready** - Four pedestrian gates along Via Coconut Point make Genova ready for mass transit whenever it arrives.
3. **Front Doors on Via Coconut Point Road** - 3 residential building entrances along Via Coconut Point provide direct connection to the public realm.
4. **Sidewalks are Interconnected** – All Genova roads are lined with sidewalks and all Genova sidewalks interconnect with public sidewalks.

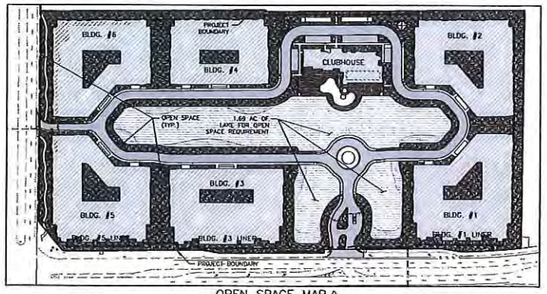
5. **Within a Vibrant Mixed-Use Pedestrian Shed** – Genova is within 200 ft of two office parks, one block from Publix, 4 banks, gas stations and restaurants and adjacent to Estero Community Park.
6. **Non-resident Access Without Compromising Security** – Main-entry access is available to non-resident pedestrians during daylight hours and to non-resident vehicular traffic by appointment, both subject to proof of a valid driver's license with photo-ID to security personnel or club staff.
7. **$100,000 Contribution to Future Estero Community Park Entry** – Genova Partners LLC will contribute $100,000 towards the construction cost of the new entrance to Estero Community Park from Via Coconut Point (just south of Genova).

ECONOMIC

1. **Increased Local and Regional Employment** – Genova will generate $71 million (more than Hertz) of local employment and $180 million of regional employment.
2. **$2.1 million in Village and County Impact Fees** – Genova will pay a total of $2,170,000 in impact fees. $820,000 to Lee County and $1,350,000 to the Village of Estero.
3. **Annual Property Tax Revenue** – Genova homeowners will pay $1.2 million annually in property taxes.
4. **Primary Residents' Local Spending** - Most Genova homeowners will be primary residents spending year-round in the local Estero market.

ATTACHMENT C

Master Concept Plan



OPEN SPACE MAP ⚠
NTS

MASTER CONCEPT PLAN LEGEND

- LAKE
- 4:1 LAKE BANK
- BUILDING
- CONCRETE SIDEWALK
- ASPHALT PAVEMENT
- ⚠ INDICATES REQUESTED DEVIATION

REFERENCE SHEET 3 FOR DEVIATION SCHEDULE

OPEN SPACE MAP LEGEND

- OPEN SPACE
- LAKE FOR OPEN SPACE ONLY

OPEN SPACE TABLE ⚠

REQUIRED	PROVIDED
40% OF SITE AREA	25% FROM LAKES REMAINDER WITHIN SITE
16.92 AC x 40% = 6.76 AC	6.76 AC X 25% = 1.69 AC
	OPEN SPACE WITHIN SITE = 5.77 AC
TOTAL REQUIRED = 6.76 AC (40%)	TOTAL PROVIDED 1.69 + 5.77 = 7.46 AC (44.1%)

* EXCLUDES OPEN SPACE AREAS LESS THAN 10' IN WIDTH AND INCLUDES 0.68 AC OF OPEN AIR ATRIUMS LOCATED AT INTERIOR OF BUILDINGS

PARKING TABLE

REQUIREMENT	PROVIDED
RESIDENTIAL PARKING	
2 SPACES PER UNIT PLUS 10% ADDITIONAL FOR GUEST	205 UNITS X2 = 410 SPACES 10% GUEST PARKING = 41 SPACES TOTAL PROVIDED = 451 SPACES
AMENITY PARKING	
FITNESS CENTER (7 SPACES PER 1,000 SF): 22 SPACES	12 SPACES
CLUB/RECREATION (4 SPACES PER 1,000 SF) 10 SPACES	10 SPACES
OFFICE (1 SPACE PER 300 SF) 4 SPACES	4 SPACES
TOTAL AMENITY REQUIRED: 36	TOTAL AMENITY PROVIDED: 26 (PER DEVIATION)
BICYCLE PARKING	
(5% OF AMENITY VEHICULAR PARKING) 2 SPACES	2 SPACES

TOTAL FLOOR AREA OF AMENITY CENTER = 6,482 SF

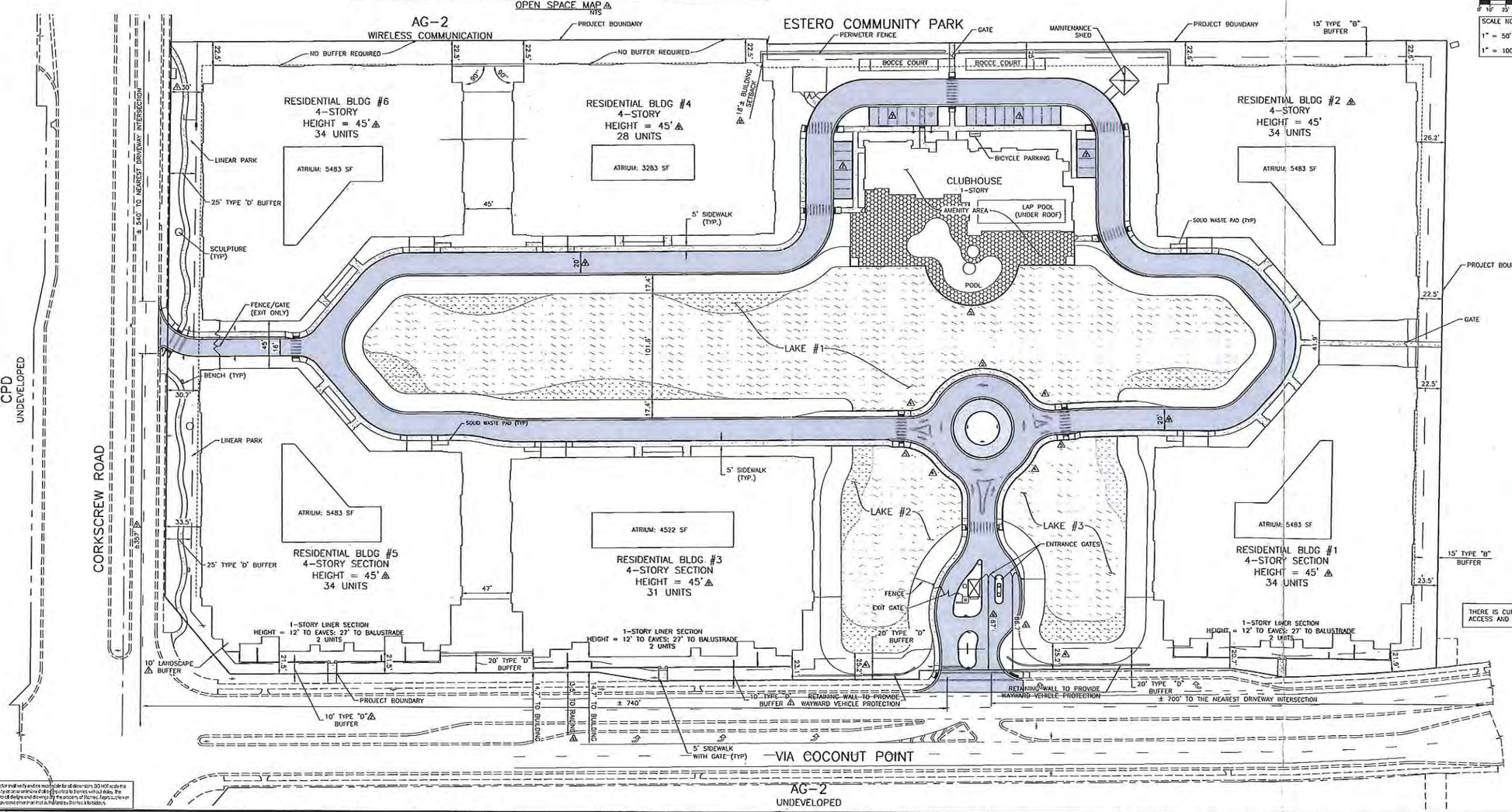
DRAINAGE BASIN & LAND USE TABLE

CATEGORY	SQUARE FOOTAGE	ACREAGE	PERCENTAGE OF TOTAL
IMPERVIOUS:			
LAKE	119,441	2.74 AC.	16.2%
BLDG (ROOF)	291,329	6.69 AC.	39.5%
HARDSCAPE	15,638	0.36 AC.	2.1%
PAVEMENT	68,951	1.54 AC.	9.1%
SIDEWALK/DRWY	21,301	0.49 AC.	2.9%
PERVIOUS AREAS:			
OPEN SPACE	222,375	5.11 AC.	30.2%
TOTAL:	**737,035	16.92 AC	100%

** INCLUDES OPEN SPACE AREAS LESS THAN 10' IN WIDTH AND EXCLUDES IMPERVIOUS OPEN SPACE AREAS

0' 10' 25' 50' 100'

SCALE NOTE:
1" = 50' (24 x 36 SHEET)
1" = 100' (11 x 17 SHEET)



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REV NO	REVISION DESCRIPTION	REV DATE	DRAWN BY / EMP NO	REVIEWED BY
C	REVISED PER ENGINEER	12/7/15	L.WILLIAMS	PROJECT ENGINEER
B	REVISED PER LEE COUNTY ZONING REVIEW	6/30/15	R.LARUE	LEAD DESIGNER
A	REVISED PER LEE COUNTY ZONING REVIEW	5/06/15	R.LARUE	LEAD TECHNICIAN

PROJECT MANAGER:

GENOVA PARTNERS, LLC
3798 CRACKER WAY
BONITA SPRINGS, FL 34134

Stantec
3030 Colonial Boulevard, Suite 103, Fort Myers, FL 33966
Phone 239.939.1020 — Fax 239.939.2412
Certificate of Authorization #2018 — www.stantec.com

ISSUE DATE: 04/07/15
ISSUE DESCRIPTION: LEE COUNTY REVIEW
PROJECT: GENOVA
TITLE: MASTER CONCEPT PLAN
PROJECT NUMBER: 215612546
SHEET NUMBER: 1 of 3

© Stantec 2015 Saved: 12/9/2015 10:09:51 AM LAUWILLIAMS Plotted: 12/09/2015 11:24:03 AM LAUWILLIAMS V:\215\active\215612672\civil\drawing\01c-concept plan\exhibits\215612672-01c-001ex.dwg \MASTER CONCEPT PLAN

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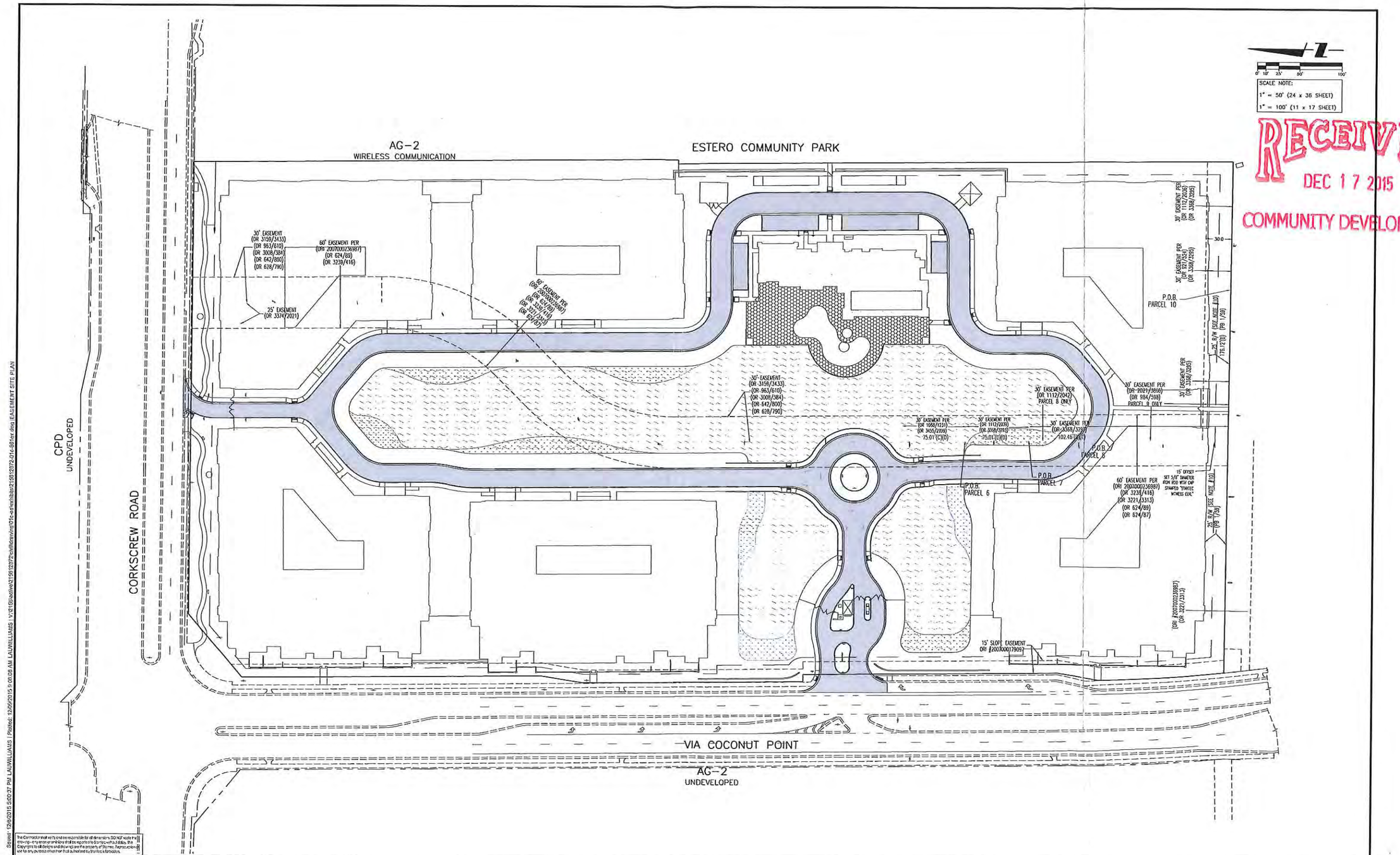
COMMUNITY DEVELOPMENT

ATTACHMENT D

DCI 2015-00009

ATTACHMENT D

Easement Site Plan



RECEIVED
DEC 17 2015
COMMUNITY DEVELOPMENT

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REV NO	REVISION DESCRIPTION	REV. DATE	DRAWN BY / EMP NO	REVIEWED BY

PROJECT MANAGER
PROJECT ENGINEER
LEAD DESIGNER
LEAD TECHNICIAN

GENOVA PARTNERS, LLC
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Certificate of Authorization #00113 — www.stantec.com

ISSUE DATE: 04/07/15
ISSUE DESCRIPTION: LEE COUNTY REVIEW
PROJECT: GENOVA
TITLE: EASEMENT SITE PLAN
PROJECT NUMBER: 215612546
SHEET NUMBER: 2 OF 3

DCI 2015-00009

ATTACHMENT E

Village Center Comprehensive Plan Amendment Staff Report

(March 24, 2016)

VILLAGE OF ESTERO

COMPREHENSIVE PLAN AMENDMENT
STAFF REPORT

VILLAGE CENTER
CPA 2016-01

(PUBLICLY SPONSORED AMENDMENT)

Village Council

March 30, 2016 Public Hearing

CASE NAME: **VILLAGE CENTER**

CASE TYPE: **COMPREHENSIVE PLAN MAP AND TEXT AMENDMENT (PUBLICLY INITIATED)**

CASE NUMBER: **CPA 2016-01**

VILLAGE COUNCIL TRANSMITTAL HEARING: **MARCH 30, 2016**

REQUEST SUMMARY

The Village of Estero is proposing a series of map and text amendments to its Comprehensive Plan and Land Development Code to support compact walkable development patterns in certain areas near US 41 referred to as the Village Center. These areas are anticipated to include employment, housing, shopping, recreation, and civic uses.

The request being considered by the Village Council on March 30 is limited to the Comprehensive Plan amendments, which would have the greatest effect on about 522 acres of land located near US 41 from the city limits with Bonita Springs north to just south of Broadway.

An important feature of these amendments is a new category on the Future Land Use Map to be called "Village Center." In this category, higher densities may be allowed if certain criteria are met. Final density decisions would be made by the Village Council at the time of rezoning.

Four 'tiers' or levels of development would be described in detail in the Land Development Code. As higher tiers are requested by developers, the allowable 'base density' increases and the code's criteria increase correspondingly. Additional density may be available in exchange for public features offered by developers such as enhanced streetscapes, public hiking and bicycling trails, gathering places (including outdoor cafes), and other amenities or improvements; these increases are called 'incentive density.' Density limits for both types of density are summarized in the following chart.

	(densities in units per acre)		
	Base Density	**Incentive Density**	**Maximum Density**
Tier 1	Up to 6	Up to 3	9
Tier 2	Up to 10	Up to 4	14
Tier 3	Up to 15	Up to 5	20
Tier 4	Up to 21	Up to 6	27

Detailed code requirements and potential incentive offers will be described in detail in Land Development Code Amendments, which will be adopted concurrently with final approval of these Comprehensive Plan amendments.

APPLICATION SUMMARY

Project Name: Village Center

Applicant: Village of Estero

Requests: Amend the Future Land Use Element of the Comprehensive Plan:

- Amend Lee Plan Map 1 (Page 1 of 8 of the Future Land use Map) to establish a new "Village Center" land use category and to redesignate about 522 acres of land into this new category
- Amend Lee Plan Map 1 (Page 6 of 8) to remove the "Mixed- Use Overlay" from land being designated into the new "Village Center" category
- Amend policies under Objective 1.1
- Amend policies under Goal 19
- Delete Goals 12 through 18 and 20 through 35 and all objectives & policies under these goals
- Amend Objective 2.12, 4.2, and 4.3 and policies under them
- Amend Goal 6 and policies & standards under Objective 6.1

Amend the Glossary

Amend Tables 1(a) and 1(c)

Size of Property: 522 acres will be designated into the "Village Center" category; none of that land will remain in the "Mixed-Use Overlay"

Property Location: The "Village Center" category is near US 41, beginning at the Village limits with Bonita Springs and ending just south of Broadway (see Attachment B).

Current Zoning: Much of the affected land has been zoned into one of the Planned Development zoning districts (see Attachment D).

Future Land Use Categories: **(current)** in Village Center area; see map in Attachment A

Urban Community	347 acres	(66.5%)
Suburban	112 acres	(21.5%)
Outlying Suburban	9 acres	(1.7%)
Public Facilities	54 acres	(10.3%)

Allowable Densities: (in current categories being changed to Village Center):

Future Land Use Category	Standard (Base) Density Range		Bonus Density
	Minimum	*Maximum*	*Maximum*
Urban Community	1	6	to 10
Suburban	1	6	*no bonus*
Outlying Suburban	1	3	*no bonus*
Public Facilities	n/a	n/a	*no bonus*

FEMA Floodway: A FEMA-designated floodway runs along the Estero River through the Village Center category.

Historic Resources: Part of the Village Center category is within level 2 sensitivity areas for archeological and historic resources. About 10 acres of the Koreshan Unity National Register Historic District is east of US 41 on the south bank of the Estero River and would be in the new "Village Center" category.

PUBLIC MEETINGS

Public meetings or workshops have been held on the following dates to discuss the evolving Village Center planning effort:

- In 2016: March 9, March 8, January 12
- In 2015: October 28, August 18

On March 22, 2016 the Planning and Zoning Board held a public hearing to consider these comprehensive plan amendments.

PROJECT HISTORY

As the real estate market was beginning to recover from the recession, a community planning initiative was sponsored by a coalition of Estero community organizations to anticipate changing demographic trends and their impact on Estero. That process included a detailed market assessment and an extended planning workshop to explore development scenarios for a surplus of commercially zoned land near US 41.

A possible framework for the development of the remaining vacant tracts in Estero was presented through a series of community meetings. This framework was based on the principles of compact, walkable, transit supportive, mixed-use development, with an emphasis on employment, housing variety, and recreational and civic uses. These principles could guide Estero toward a more sustainable model for future development that serves current residents of Estero while anticipating the needs and desires of future residents.

Findings from the community planning initiative were documented in three reports:

- *Estero Community Market Assessment* (September 2013, by Peloton Research Partners)
- *Estero Planning Workshop: February 24-27, 2014* (March 2014, by Seth Harry & Associates)
- *Community Planning Initiative, Final Report* (January 2015, by Seth Harry & Associates and Spikowski Planning Associates)

The market assessment was based on conditions in 2013. Since that time, real estate development has recommenced in Estero at a rapid pace. Lee Memorial Health System is about to develop a 31-acre site as a walkable mixed-use medical complex with complementary shops and services that are integrated with surrounding uses. Private developers are providing additional commercial uses and several smaller luxury gated communities that fit the prior Estero model, plus housing types that are new to Estero including apartment complexes and specialized housing with related medical care. The renewed economic activity and its diversity is welcome after the lengthy recession, but should be well-planned.

Additional data and analysis for these comprehensive plan amendments includes:

- *Land Use Scenarios for Lee County, Florida* (January 2015, by the Lee County Metropolitan Planning Organization)
- All data and analysis supporting amendments to the Estero Community Plan (Goal 19 and its objectives and policies) as adopted in late 2014.

The Village Council authorized the preparation of Comprehensive Plan and Land Development Code amendments in May 2015 through a consulting contract. The planning team included Bill Spikowski of Spikowski Planning Associates and urban designer Seth Harry of Seth Harry & Associates. These Comprehensive Plan amendments were prepared as part of that effort.

STAFF SUMMARY & ANALYSIS

The comprehensive plan amendments proposed in this report affect several different portions of the Comprehensive Plan. The following summary highlights the most significant changes. The map amendments are shown in Attachments B and C. The complete amendment language is provided in Attachment F. All three attachments were revised through March 24 to respond to ongoing input and comments.

Policy 1.1.12 and Map 1 (Page 1 of 8):

This policy would establish a new "Village Center" category on the Future Land Use Map:

> ***POLICY 1.1.12:*** *The Village Center Area lies near US 41 in the heart of the Village of Estero. This area includes housing, employment, shopping, recreation, and civic uses and can accommodate additional development in walkable mixed-use patterns. Uses and densities must meet the standards for the Urban Community category unless land is rezoned as a planned development to apply alternate tiered standards for*

the Village Center Area as described under Objective 19.8. Densities in the Village Center Area may exceed the standard density ranges in Table 1(a) only if the Village Council applies the alternate tiered standards through rezoning.

The Future Land Use Map would be amended to include about 522 acres of land into this category (see Attachment B). Owners of land in this new category could participate in the new tiered standards by requesting rezoning.

Policy 19.4.6:

A new Policy 19.4.6 would be added to expand on and replace existing Policy 19.4.2.f. The new policy would implement recommendations from the Lee County Metropolitan Planning Organization about preserving the rail corridor for future transportation purposes (potentially including enhanced freight service; commuter rail, light rail, or bus rapid transit; and hiking/biking/walking trails). The corridor bisects Fort Myers, Estero, and Bonita Springs and terminates in far northern Collier County.

The rail corridor is ideal for trails and bike paths because it would link most of Estero to destinations to the north and south without requiring walking or biking on busy roads. Trails and bike paths can be placed alongside active railroad tracks (known as 'rails-with-trails') or using abandoned rail corridors ('rails-to-trails'). Because the CSX / Seminole Gulf rail corridor is important for many transportation purposes, the MPO recommended the 'rails-with-trails' approach. The right-of-way is wide enough in most places to accommodate multiple uses including trails. The MPO recently identified the rail corridor as the preferred location for the critical north-south corridor for a system of greenways and trails in Collier and Lee Counties.

The rail corridor is owned and controlled by two private entities: CSX and Seminole Gulf Railway. CSX owns the land within the right-of-way. Seminole Gulf Railway has a long-term lease on the land to operate freight rail service; Seminole Gulf also owns and maintains the tracks and rolling stock.

The MPO concluded that in order to maintain options for multiple uses of this corridor, a public entity such as Florida DOT should pursue purchasing real estate interests in the rail corridor. (Lee County Rail Corridor Feasibility Study, October 2013)

Policy 19.6.3:

Policy 19.6.3 addresses the Estero Community Park with suggestions for integrating the park with the surrounding neighborhoods by constructing the originally planned westerly entrance onto Via Coconut Point.

Policy 19.7.3:

Policy 19.7.3 is being updated to avoid inconsistencies with the Village's Ordinance 15-01 that established advisory boards and updated the standards for public information meetings.

Objective 19.8 and subsequent policies:

The new policies following Objective 19.8 amplify Policy 1.1.12's general description of the new Village Center category and describe in general terms how the new tiered process would work, including the maximum allowable densities.

Goal 19 Generally:

Numerous minor editorial and updating changes are also proposed, for instance to reflect the jurisdiction of the Village of Estero rather than Lee County.

Goals 12 through 18 and 20 through 35:

These goals and their objectives and policies are being deleted; they apply only to other communities in unincorporated Lee County.

Objectives 4.2 and 4.3 and Map 1 (Page 6 of 8):

These objectives contain policies that apply to Lee County's "Mixed-Use Overlay."

This overlay would remain in effect for land outside the Village Center area where it would be applied in accordance with the modified terms under these objectives.

For land within the Village Center Area, this overlay would be removed. However, Policy 4.2.1 would be modified to indicate that development approvals that had been based on a property having been within the prior mixed-use overlay may request minor modifications to those approvals if they would not increase the previously approved densities and intensities.

Attachment C shows the existing Mixed-Use Overlay and land being redesignated to Village Center where the overlay will no longer apply.

Glossary:

The Glossary would be expanded by adding definitions for "mixed-use pattern" and "walkable," terms that are used in the policies but which aren't currently defined. The existing definition of "mixed use" would be deleted because it refers to individual development projects rather than to the development pattern that supports mixed uses; a more relevant definition of "mixed use" would replace it.

Table 1(a):

Table 1(a) would be amended to include the Village Center Area.

Table 1(c):

Table 1(c) would be deleted entirely.

Future Land Use Map:

Map 1 of 8 would be amended to redesignate about 522 acres of land from Urban Community, Suburban, Outlying Suburban, and Public Facilities to the new Village Center category.

Map 6 of 8 which includes the Mixed-Use Overlay would also be amended to remove the Mixed-Use Overlay where the Village Center category is being applied, as shown on Attachment C.

Vision statement:

Vision statements for 25 distinct communities in unincorporated Lee County are presented at the beginning of the Comprehensive Plan. The vision statement for Estero was updated in late 2014; it is reprinted on Page 1 of Attachment F but no additional changes are needed.

STAFF SUMMARY AND FINDINGS

Village Ordinance 2015-01 assigned the Planning and Zoning Board to serve as the Village's local planning agency. Under Florida law, local planning agencies are responsible for preparation of comprehensive plans and must hold a public hearing on all proposed amendments and make a recommendation on such amendments. Estero's Planning and Zoning Board held its public hearing on these amendments on March 22, 2016

The Village Council must hold its own public hearing and decide whether the amendments should be "transmitted" to state and regional agencies for formal review (or "not transmitted"). After formal review, the Village Council will hold another public hearing to make a final decision to adopt or not adopt the amendments.

Issues to be considered by the Village Council Board include:

- Do the amendments further the Village's policy goals in an effective and equitable manner?
- Are the amendments based on sound planning principles and appropriate data and analysis?
- Will the Comprehensive Plan be internally consistent if the amendments are adopted?

Staff recommends that the Village Council find in the affirmative on each of these criteria and vote to transmit these amendments for formal review at this time but to withhold final approval of these amendments until the Land Development Code can also be amended to provide suitable criteria for carrying out the Comprehensive Plan amendments.

Several maps are provided as attachments to this report. The most important are Attachment B which shows the new "Village Center" category and Attachment C which shows where the Mixed-Use Overlay would no longer apply.

The full text of the comprehensive plan amendments are presented in Attachment F immediately after the maps. Additions are shown underlined; deletions are ~~struck through~~; both additions and deletions are also highlighted in yellow.

ATTACHMENTS

Attachment A – Future Land Use Map (existing)

Attachment B – Future Land Use Map (area being changed to "Village Center") (modified on March 24, 2016)

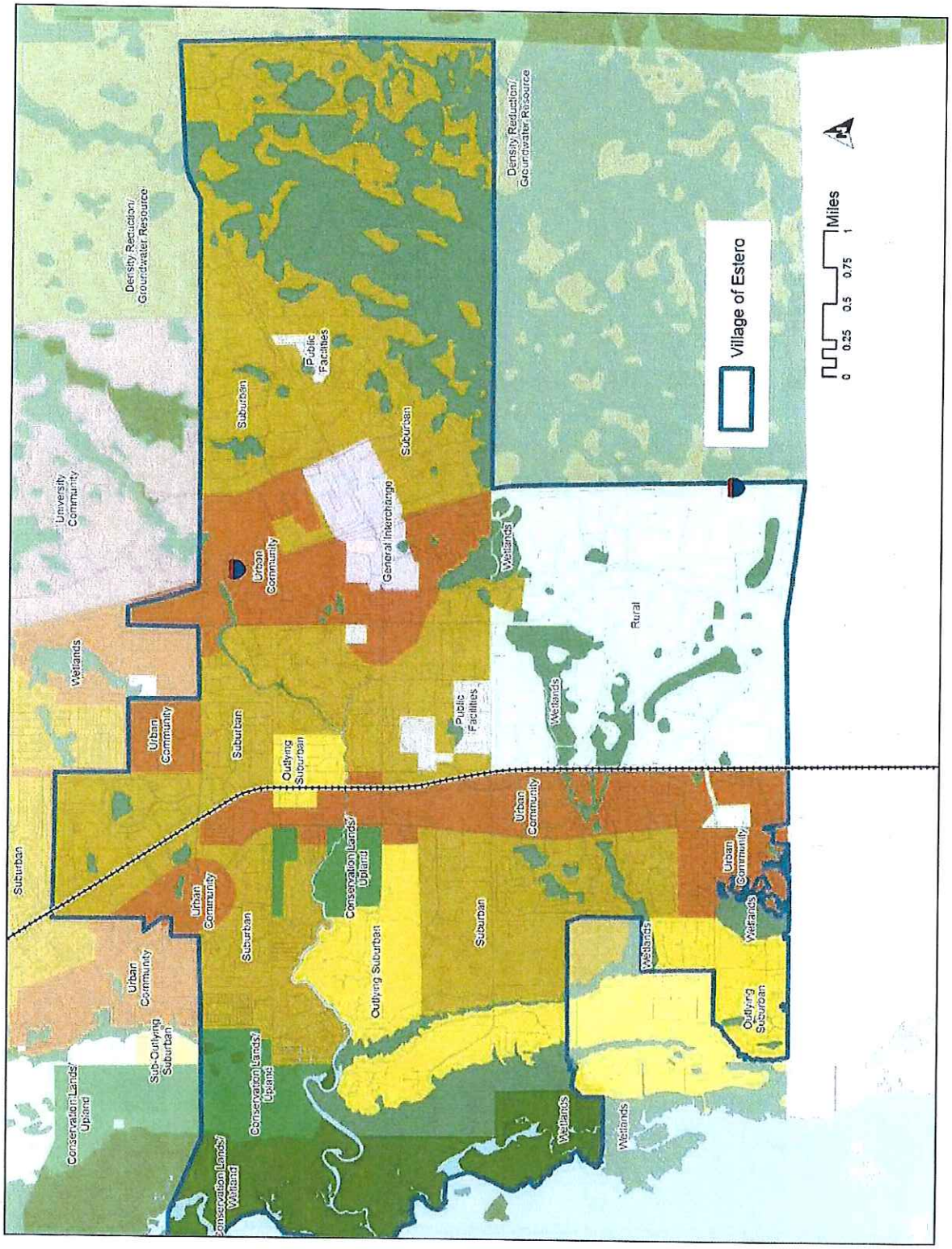
Attachment C – Mixed-Use Overlay (modified on March 24, 2016)

Attachment D – 'Planned Development' Zoning (existing)

Attachment E – Map 3E (existing map that is referred to in new Policy 19.4.6)

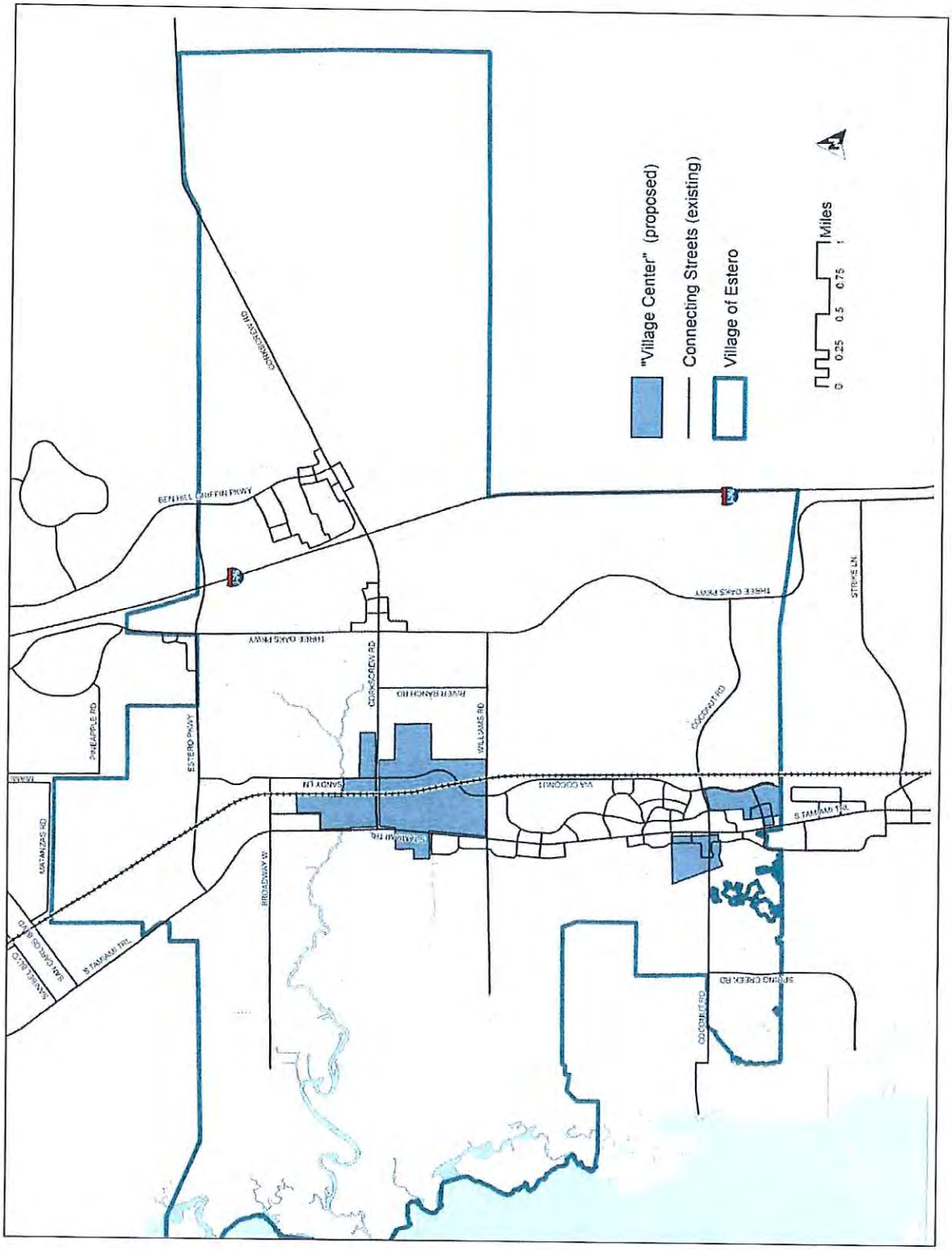
Attachment F – Proposed changes to goals, objectives, and policies of the Comprehensive Plan (Draft, March 24, 2016).

Attachment A – Future Land Use Map (existing)



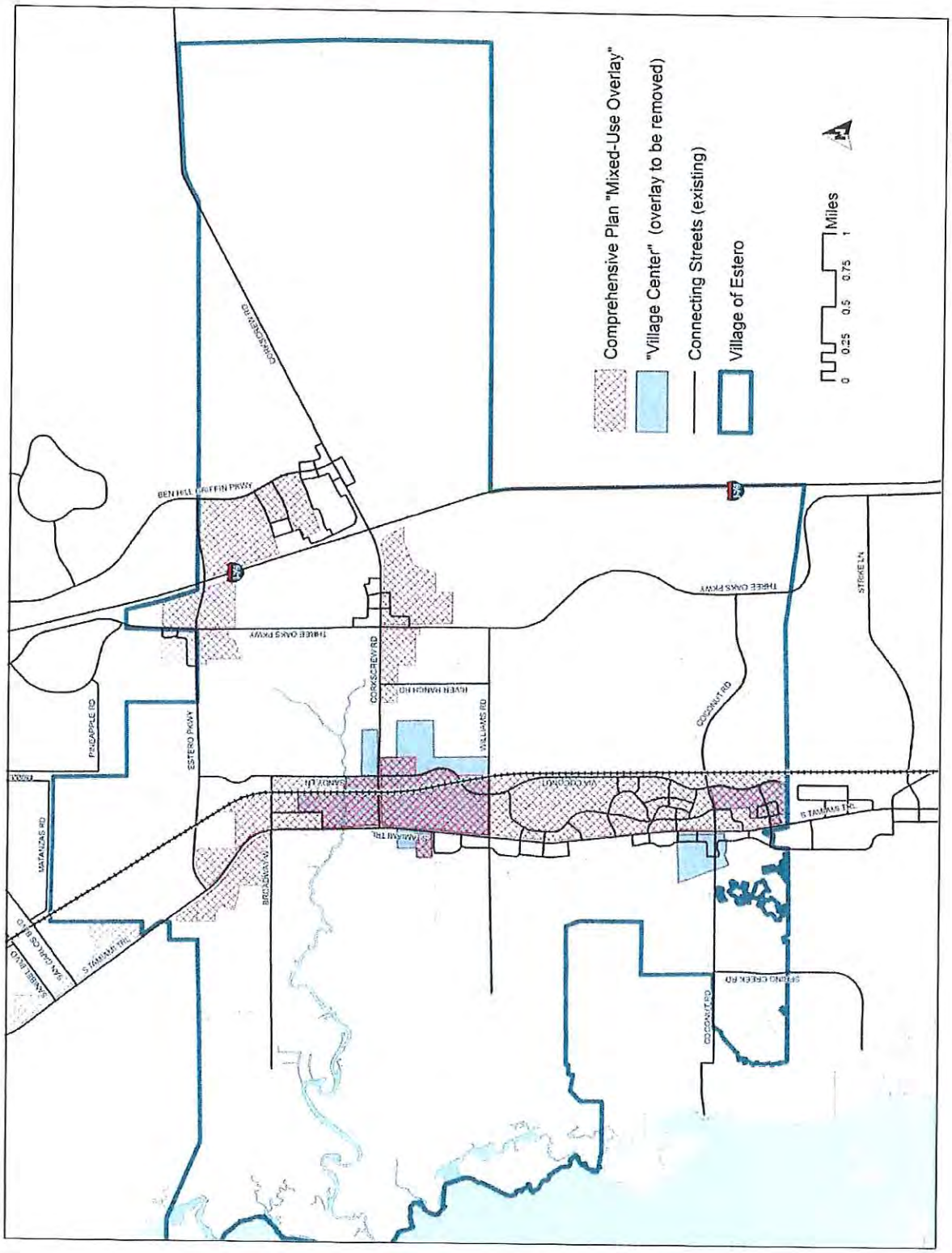
Report Date: March 24, 2016

Attachment B – Future Land Use Map
(area being changed to "Village Center")



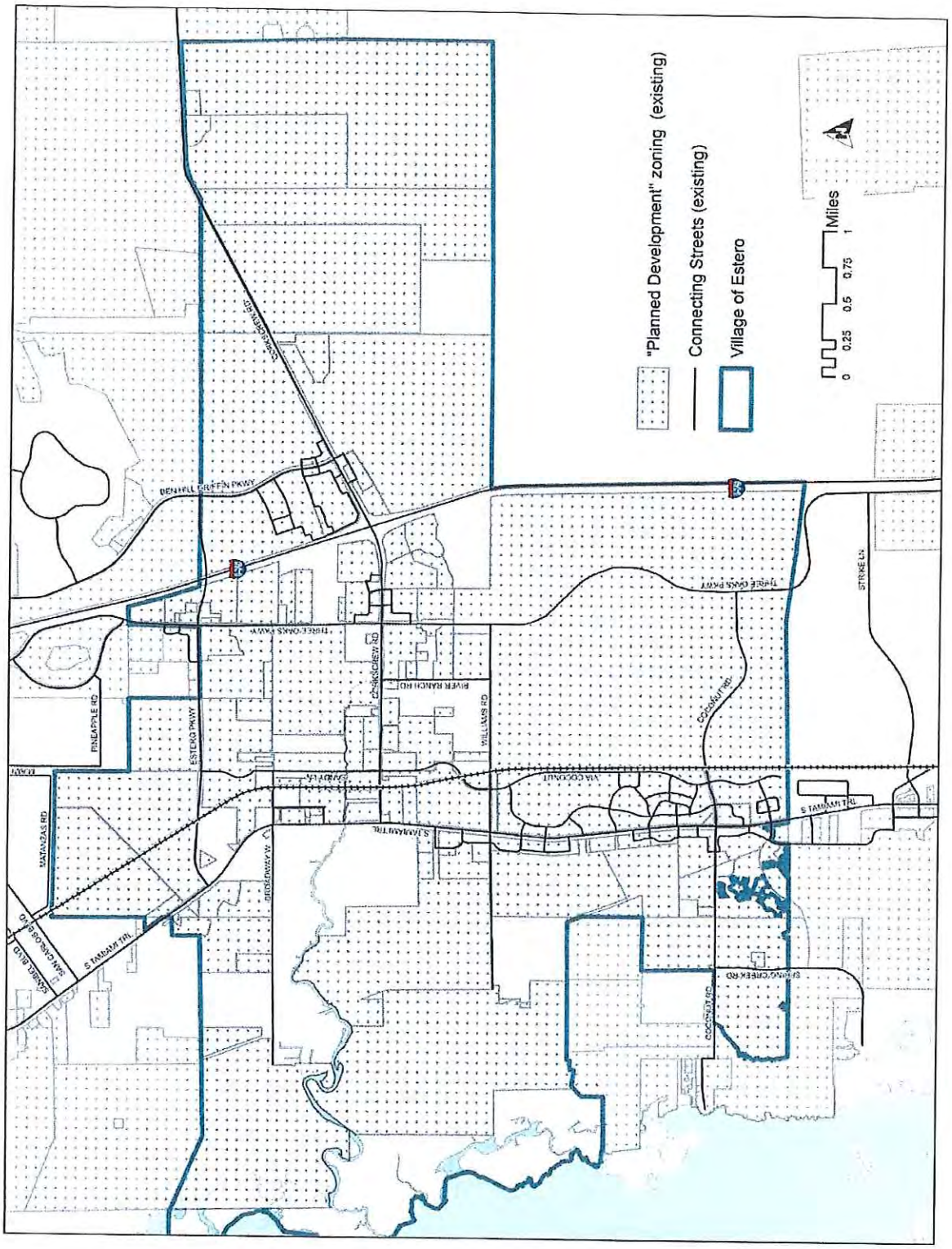
Report Date: March 24, 2016

Attachment C – Mixed-Use Overlay
(existing overlay plus "Village Center" area being removed from overlay)



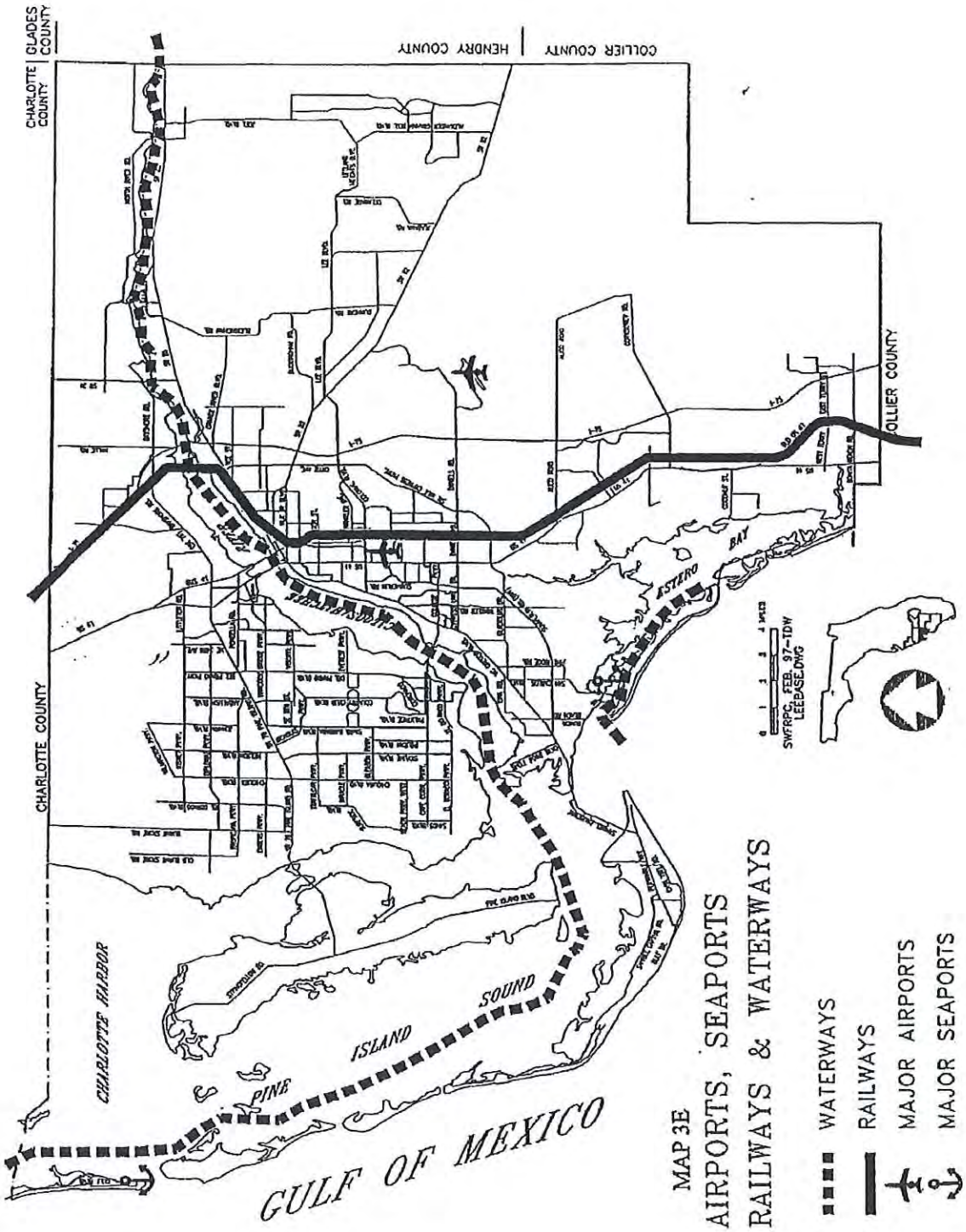
Report Date: March 24, 2016

Attachment D – 'Planned Development' Zoning (existing)



Report Date: March 24, 2016

Attachment E – Map 3E (existing)



MAP 3E – PAGE 1 OF 1

ATTACHMENT F

Village Center Comprehensive Plan Amendments CPA 2016-01

(March 24, 2016)

The Village of ESTERO

VILLAGE OF ESTERO

Comprehensive Plan Amendments

Village Center
CPA 2016-01

Proposed by the Village of Estero

March 24, 2016 Draft

Language to be added is underlined.

Language to be removed is ~~struck through~~.

New language and language to be removed is also highlighted.

I. Lee County - A Vision for 2030

21. Estero - To establish a community that embraces its historic heritage and protects the environment, while carefully planning for future development resulting from a desirable high quality of life, expanding economic opportunities, and proximity to Florida Gulf Coast University and the Southwest Florida International Airport. Estero's growth will be planned with strong neighborhoods, diverse economic generators, interconnected mixed-use centers, varied parks, public spaces, recreational facilities, and unique natural environments that fosters a sense of belonging and creates a sense of place. Estero will be a highly valued place to live, work, and visit because of development standards and design guidelines that promote:

1) desirable neighborhoods and public amenities;
2) vibrant economic centers;
3) attractive landscaping, streetscaping, lighting, signage, and architectural features; and
4) an interconnected transportation network.

The implementation of this vision will successfully link residential and commercial areas and uphold Estero as a vibrant Lee County community. *(Amended by Ordinance No. 14-16)*

II. Future Land Use

GOAL 1: FUTURE LAND USE MAP. To maintain and enforce a Future Land Use Map showing the proposed distribution, location, and extent of future land uses by type, density, and intensity in order to protect natural and man-made resources, provide essential services in a cost-effective manner, and discourage urban sprawl.

OBJECTIVE 1.1: FUTURE URBAN AREAS. Designate on the Future Land Use Map (Map 1) categories of varying intensities to provide for a full range of urban activities. These designations are based upon soil conditions, historic and developing growth patterns, and existing or future availability of public facilities and services. (The Future Land Use Map series also contains Map 2 and additional maps located in the appendix. A colored wall-size reproduction of Map 1 is also available.)

POLICY 1.1.1: The Future Land Use Map contained in this element is hereby adopted as the pattern for future development and substantial redevelopment within the Village of Estero ~~unincorporated portion of Lee County~~. Map 16 and Table 1(b) are an integral part of the Future Land Use Map series (see Policies 1.7.6 and 2.2.2). They depict the extent of development through the year 2030. No development orders or extensions to development orders will be issued or approved ~~by Lee County~~ which would allow the Planning Community's acreage totals for residential, commercial or industrial uses established in Table 1(b) to be exceeded (see Policy 1.7.6). The cities of Fort Myers, Cape Coral, Sanibel, Bonita Springs, the ~~and~~ Town of Fort Myers Beach, and unincorporated Lee County are depicted on these maps only to indicate the approximate intensities of development permitted under their comprehensive plans ~~of those cities~~. Residential densities are described in the following policies and summarized in Table 1(a). *(Amended by Ordinance No. 94-29, 98-09, 07-12, 07-13)*

POLICIES 1.1.2 through 1.1.11: *[no changes]*

POLICY 1.1.12: The Village Center Area lies near US 41 in the heart of the Village of Estero. This area includes housing, employment, shopping, recreation, and civic uses and can accommodate additional development in walkable mixed-use patterns. Uses and densities must meet the standards for the Village Center land use category as described in Objective 19.8 and the policies thereunder.

POLICY 1.7.6: The Planning Communities Map and Acreage Allocation Table (see Map 16 and Table 1(b) and Policies 1.1.1 and 2.2.2) depicts the proposed distribution, extent, and location of generalized land uses for the year 2030. Acreage totals are provided for land in each Planning Community in unincorporated Lee County. No development orders or extensions to development orders will be issued or approved by Lee County that would allow the acreage totals for residential, commercial or industrial uses contained in Table 1(b) to be exceeded, except in Estero's Village Center Area. This policy will be implemented as follows:

1. For each Planning Community the County will maintain a parcel based database of existing land use. The database will be periodically updated at least twice every year, in September and March, for each Planning Community.
2. Project reviews for development orders must include a review of the capacity, in acres, that will be consumed by buildout of the development order. No development order, or extension of a development order, will be issued or approved if the project acreage, when added to the acreage contained in the updated existing land use database, exceeds the limitation established by Table 1(b), Acreage Allocation Table regardless of other project approvals in that Planning Community. For limerock mining in Planning Community #18, see special requirements in Policy 33.1.4 regarding industrial acreages in Table 1(b).
3. At each regularly-scheduled date for submission of the Lee Plan Evaluation and Appraisal Report, the County must conduct a comprehensive evaluation of Planning Community Map and the Acreage Allocation Table system, including but not limited to, the appropriateness of land use distribution, problems with administrative implementations, if any, and areas where the Planning Community Map and the Acreage Allocation Table system might be improved.

(Amended by Ordinance No. 94-29, 98-09, 00-22, 07-13, 10-20)

~~GOAL 12: SAN CARLOS ISLAND.~~

[repeal Goal 12 and associated objectives and policies]

~~GOAL 13: CAPTIVA.~~

[repeal Goal 13 and associated objectives and policies]

~~GOAL 14: GREATER PINE ISLAND.~~

[repeal Goal 14 and associated objectives and policies]

~~GOAL 16: PRIVATE RECREATIONAL FACILITIES IN THE DR/GR.~~

[repeal Goal 16 and associated objectives and policies]

~~GOAL 17: BUCKINGHAM.~~

[repeal Goal 17 and associated objectives and policies]

~~GOAL 18: UNIVERSITY COMMUNITY.~~

[repeal Goal 18 and associated objectives and policies]

GOAL 19: ESTERO COMMUNITY PLAN. Promote the development of Estero as a community with a unique quality of life, distinct character, and diverse housing, economic, recreational, and social opportunities by:

a. Protecting the natural resources, environment, and lifestyle;

b. Establishing minimum aesthetic and design requirements;

c. Managing the type, location, quality, design and intensity of future land uses;

d. Providing greater opportunities for public participation in the land development approval process; and

e. Promoting a true sense of place in Estero. *(Added by Ordinance No. 14-16)*

OBJECTIVE 19.1: CHARACTER & LAND USE. Promote community character through the implementation of planning and development practices that create a visually attractive community, an enhanced quality of life, and foster a unique sense of place. *(Added by Ordinance No. 14-16)*

POLICY 19.1.1: Support the unique character and quality of life within the Estero community by managing growth and development and by maintaining and executing ~~Lee Plan~~ comprehensive plan policies, Land Development Code (LDC) regulations, and other planning tools that:

a. Implement and maintain commercial development standards for architecture, landscaping, buffering, signage, lighting designs and visual appearance of developments, transportation facilities, and other community amenities;

b. Promote the use of low impact design, sustainable energy, water, and other environmental features;

c. Establish higher density, mixed-use development within areas targeted on the Mixed-Use Overlay;

d. Encourage the redevelopment and infill of underutilized commercial and residential lands; and

e. Increase public participation in the land development approval process to ensure future development efforts support the Estero Community Plan and adopted ~~Lee Plan~~ comprehensive plan policies and LDC standards. *(Added by Ordinance No. 14-16)*

POLICY 19.1.2: ~~Lee County~~ The Village of Estero may not approve any proposed project that is inconsistent with ~~the Lee Plan~~ this comprehensive plan including, specifically, the Estero Community Plan set forth in Goal 19 and its objectives and policies. Wherever there is a conflict between the provisions of the Estero Community Plan and other provisions of the comprehensive Plan or Land Development Code, it is specifically intended that the Estero Community Plan will be given priority and superiority. Projects will be reviewed through a public process that includes the Estero community, property owners, and Village staff, land use boards, and officials ~~Lee County staff~~ to ensure that the development is consistent with the Estero Community Plan. *(Added by Ordinance No. 14-16)*

POLICY 19.1.3: Encourage new developments that achieve the Estero community's vision and planning goal and policies and are consistent with mixed-use design, architectural, location, connectivity and public access standards by establishing and implementing development incentives within the ~~Lee Plan~~ comprehensive plan and Land Development Code that:

a. Promote ~~urban integrated forms of~~ mixed use patterns in targeted areas, especially those designated Village Center on the future land use map or identified on the Mixed-Use Overlay;

b. Promote targeted industries in appropriate areas of Estero—e.g.: healthcare, arts and culture, technology, and research and development facilities;

c. Promote the use of green design, sustainable energy, water, and other environmental features;

d. Expedite development projects particularly in targeted incentive zones where the community has adopted mixed-use plans and LDC standards; and

e. Enable infill of underutilized commercial and residential lands.~~; and~~

f. ~~Encourage residential developments to use the bonus density established through the Lee Plan Urban land use categories.~~ *(Added by Ordinance No. 14-16)*

POLICY 19.1.4: Facilitate the redevelopment of properties constructed prior to the adoption of Estero ~~Lee Plan~~ Plan policies and LDC regulations by establishing incentives ~~(including, but not limited to, utilization of Bonus Densities established through the Lee Plan Urban land use categories)~~ and streamlined development processes that enable older properties to come into compliance with adopted ~~Lee Plan~~ comprehensive plan policies and LDC standards. *(Added by Ordinance No. 14-16)*

POLICY 19.1.5: Recognize the unique historical and cultural values of the Village of Estero by establishing and implementing development incentives and regulations within the ~~Lee Plan~~ comprehensive plan and Land Development Code that:

a. Encourage the development of the Old Estero area into a mixed-use center;

b. Incorporate design features of Estero's historic structures into future architectural design, streetscape, and community-wide LDC standards; and

c. Identify, protect, and promote historic resources and facilities such as those related to Koreshan Park, Old Estero area, and the Estero Community Park. *(Added by Ordinance No. 14-16)*

POLICY 19.1.6: Establish and promote Estero's unique character and identity by enhancing the community's boundaries through the use of gateway entry features such as ornamental landscape features, hardscape elements and Estero identification signs. Encourage the construction of~~, where feasible, that~~ gateways ~~are constructed~~ by working with the Lee County and Florida Departments of Transportation and private property owners. ~~to build the gateways at appropriate locations.~~ *(Added by Ordinance No. 14-16)*

POLICY 19.1.7: Explore opportunities to identify, prioritize, and fund local capital improvement projects (particularly projects that enhance transportation and infrastructure systems) within the Estero community. Evaluate the feasibility of local, dedicated funding options—e.g.: MSBU, Tax Increment Finance District, or other similar mechanism. Capital projects that could be targeted for such funding include:

a. Streetscape improvements such as roadway pavers, street furniture, street signs and lighting, trash receptacles, and other hardscape features—particularly in Old Estero and within new mixed-use centers;

b. Pedestrian scale lighting;

c. Landscaping and hardscape features—particularly along US 41;

d. Public trails and greenways facilities;

e. Blue way facilities that provide public access to Estero River;

f. Multi-modal transportation facilities that expand or establish pedestrian, bike, transit, and rail services;

g. Public space, park, and recreational facilities;

h. Urban level infrastructure services and systems within mixed-use center areas; and

i. Historic resources and facilities such as those associated with the Koreshan Park and Estero Community Park. *(Added by Ordinance No. 14-16)*

OBJECTIVE 19.2: MIXED-USE CENTERS AND ECONOMIC AREAS. Promote Estero's quality of life and diverse local economy by fostering the development of mixed-use centers and targeted economic areas, as a preference over the development of strip commercial centers. The aim of the mixed-use centers is to provide Estero with central gathering places for Estero's residents, business people, and visitors. The aim of the economic areas is to provide the community a diverse employment and economic base while meeting the commercial, professional, and service needs of the people who live, work, and play within the community. *(Added by Ordinance No. 14-16)*

POLICY 19.2.1: Where feasible, provide for the development of walkable mixed-use ~~town~~ centers and economic areas featuring diverse housing options; government offices and public facilities; medical facilities; employment centers; public gathering places, parks, outdoor plazas, and other public spaces; greenway trails and pathways; and public access to the community's natural resources through ~~Lee Plan~~ comprehensive plan policies and LDC regulations that support Estero's distinct community character and the following community priorities:

a. Support the development of a ~~central town~~ village center to unify the community;

b. Improve the connectivity between Estero's residential neighborhoods, economic areas, civic uses, and park and recreational facilities;

c. Diversify the community's economic base and employment opportunities;

d. Encourage the development of targeted industry clusters—particularly health industries, professional services and businesses, and technology, research, and development;

e. Expand multi-modal transportation options through improved pedestrian access, bikeways, transit service, and rail opportunities;

f. Improve access to the community's blueways—particularly the Estero river—, greenway trails, other open spaces;

g. Promote the community's cultural and historic resources; public spaces, parks, and recreational facilities; and other community amenities;

h. Provide ample and varied public gathering places, including, without limitation, parks, plazas, sidewalks, benches, restaurants, shops, civic spaces, green spaces, community recreation centers, and other recreational facilities;

i. ~~h. Commercial and mixed-use developments will~~ Maintain a unified and consistent aesthetic/visual quality in landscaping, architecture, lighting, and signage in all commercial and mixed-use developments; and

j. ~~i.~~ Promote and incentivize private investment within mixed-use centers and economic areas. *(Added by Ordinance No. 14-16)*

POLICY 19.2.2: Facilitate the development of a village ~~town~~ center for the Village of Estero through the development of LDC standards, plans, and incentives that address the community's need for a central civic and economic core that is connected to surrounding residential neighborhoods, commercial areas, the Estero River, the Old Estero area, the Estero Community Park, and other parks and recreational facilities. *(Added by Ordinance No. 14-16)*

POLICY 19.2.3: Establish a safe and desirable urban environment within the Estero community by adopting LDC standards that guide development in the community's major economic areas near FGCU, along the U.S. 41 corridor, along Corkscrew Road, and in the Old Estero area that:

a. Address streetscaping design and amenities, residential buffering standards, commercial center developments, signage, transportation facility needs, and other community concerns;

b. Provide for the economic and employment needs of the Estero community by utilizing the Mixed-Use Overlay to facilitate the development of mixed-use centers along the US 41, Corkscrew Road, Three Oaks Parkway, Ben Hill Griffin Parkway, Via Coconut/Sandy Lane, and in the Old Estero area; and

c. Encourage mixed-use centers at these locations. *(Added by Ordinance No. 14-16)*

POLICY 19.2.4: Ensure that future commercial and mixed-use developments meet the community's planning priorities by requiring that all new commercial development which requires rezoning within Estero must be rezoned to a Commercial (CPD), Mixed Use (MPD), or

Compact PD, as those districts may be amended from time to time. ~~Communities Planned Development (CCPD).~~ *(Added by Ordinance No. 14-16)*

POLICY 19.2.5: Except as set forth in Policy 19.2.5(a), the following uses are prohibited within Estero: "detrimental uses" (as defined in the Land Development Code, as amended); nightclubs or bar and cocktail lounges unless within a Group III Restaurant; tattoo parlors; and retail uses that require outdoor display in excess of one acre. Outdoor display in excess of one acre is permitted within the property located in the General Interchange Future Land Use Category west of I-75, south of Corkscrew Road, and east of Corkscrew Woodlands Boulevard. *(Added by Ordinance No. 14-16)*

POLICY 19.2.5(a): Nightclubs, bars, and cocktail lounges, which are not within a Group III Restaurant, may be permitted within a mixed use center approved as a Compact PD ~~CCPD~~ or MPD through the public hearing process. The Compact PD ~~CCPD~~ or MPD Project must include, at a minimum, a residential development of 1000 or more dwelling units and commercial development or activity which includes 1,000,000 square feet or more of floor area. These uses must be designed as part of an overall development project and placed within the project so that it is 1) located adjacent to entertainment and restaurant establishments and 2) located in the approximate center of the mixed-use development project. *(Added by Ordinance No. 14-16)*

POLICY 19.2.6: Encourage commercial developments within the Village of Estero to provide interconnect opportunities with adjacent commercial uses in order to minimize access points onto primary road corridors; and residential developments to provide interconnect opportunities with commercial areas, including, but not limited to, bike paths and pedestrian accessways. *(Added by Ordinance No. 14-16)*

POLICY 19.2.7: Encourage the development of medical-related uses within Estero by working with hospital officials ~~Economic Development Staff~~ and other private property owners to create ~~adopt~~ appropriate land use policies, land development standards, identify appropriate sites and locations, and establish incentives for the development of health related facilities. Particular emphasis will focus on establishing a medical economic center in this area of ~~in the southern section of~~ Estero along U.S. 41. *(Added by Ordinance No. 14-16)*

POLICY 19.2.8: Facilitate the development of professional, and research and development economic areas by working with Economic Development Staff and private property owners to adopt land development standards, identify appropriate sites and locations, and establish incentives for the development of professional and research and development facilities. Particular emphasis shall be on locating such facilities in areas that are in the proximity of FGCU educational resources and high technology facilities. *(Added by Ordinance No. 14-16)*

OBJECTIVE 19.3: RESIDENTIAL NEIGHBORHOODS. Support Estero's quality of life, promote the community's unique character through the development of diverse, well-designed, and well-connected residential neighborhoods, and provide for the needs of multigenerational community by supporting a variety of housing types and neighborhood development forms. *(Added by Ordinance No. 14-16)*

POLICY 19.3.1: Support and enhance Estero's residential character by establishing land development regulations that specifically address how the proposed residential neighborhoods:

a. Are compatible with adjacent uses, public facilities, and infrastructure systems;

b. Impact surrounding environmental and natural resources;

c. Access, where applicable, nearby parks, public spaces, recreational facilities, and greenways, blueways, and natural open spaces;

d. Connect to adjacent residential developments, mixed-use centers, economic areas, public facilities, natural resources, and other community facilities; and

e. Contribute to the overall design, landscaping, and aesthetics that make up the community's character as a harmonious place with beauty, spaciousness, and a diversity of high quality residential and commercial development that positively contributes to the quality of life of Estero's residents.

(Added by Ordinance No. 14-16)

POLICY 19.3.2: Meet the future residential and commercial needs of Florida Gulf Coast University by encouraging higher density residential developments, with a mix of unit types and design forms, including affordable housing and mixed-use centers, in close proximity to Florida Gulf Coast University. The development of such housing and mixed-use centers will consider the transitions between the adjacent residential neighborhoods, commercial centers, and park and recreational facilities. *(Added by Ordinance No. 14-16)*

POLICY 19.3.3: Establish LDC landscape requirements for the maintenance and development of a well-designed and landscaped community while providing appropriate transitions between residential uses and surrounding areas. Such landscaping requirements may be greater between residential and commercial uses, while less stringent within differing uses within a mixed-use center. *(Added by Ordinance No. 14-16)*

OBJECTIVE 19.4: TRANSPORTATION CONNECTIVITY AND MOBILITY. Facilitate the development of an interconnected community that enables people to easily access Estero's neighborhoods, commercial and mixed-use centers as well as other areas within the county and region through an integrated transportation and mobility system. *(Added by Ordinance No. 14-16)*

POLICY 19.4.1: Establish Land Development Code standards that ensure the development of a well-connected transportation system that includes pedestrian pathways, bikeways, transit, and roadways. These standards should:

a. Require, where feasible, interconnects with adjacent uses;
b. To the extent feasible, minimize access points onto primary road corridors by providing multiple access to adjacent properties;
c. Link neighborhoods, commercial and mixed-use centers, public facilities, and parks; and
d. Enable multi-modal transportation access (pedestrian, bike, vehicular, and transit) within and between the different neighborhoods, economic and employment centers, civic uses, and public space, park, and recreational facilities within the Village of Estero ~~Community~~. *(Added by Ordinance No. 14-16)*

POLICY 19.4.2: Expand opportunities for Estero's transportation network of pedestrian and bicycle pathways, sidewalks, trails, and other facilities by working with the State of Florida and other local, state, and regional entities to:

a. Construct multi-use pathways that feature shade trees, benches, bike racks, and other design elements to attract usage;
b. Identify targeted funding sources including development contributions, private donations, public funding sources (e.g.: MSBU), or other mechanisms;
c. Implement the greenways master plan within the Estero community by working with Lee County Parks Department;
d. Utilize the FP&L right of way within Estero State Buffer Preserve by working with FP&L and Lee County;
e. Establish a pedestrian–bike trail within or along the rail right of way for public recreation by working with the existing rail corridor and private developers; and
~~f. Encourage the development of an effective rail system by working with the existing rail corridor to improve and expand use of existing rail facilities.~~ *(Added by Ordinance No. 14-16)*
[the content of subsection f. has been moved to new Policy 19.4.6]

POLICY 19.4.3: All public and private rights-of-way within future mixed-use centers and the Old Estero area, as defined in the Land Development Code, are encouraged to be designed to include pedestrian ways, cross walks and traffic calming measures including, where appropriate, on-street parking, raised crosswalks, narrow lane widths or other similar mechanisms. *(Added by Ordinance No. 14-16)*

POLICY 19.4.4: Provide for well designed, safe, and multi-use transportation corridors by establishing, maintaining, and implementing complete street design guidelines for the major roadways within Estero including the US 41, Corkscrew Road, Via Coconut/Sandy Lane, and Three Oaks Parkway. In design, provide roadway and median landscape standards, access management guidelines, signage, street lighting, and sidewalks to ensure safe and effective pedestrian crossings within the context of a comprehensive pedestrian and bikeway system. *(Added by Ordinance No. 14-16)*

POLICY 19.4.5: Address regional transportation demands and considerations by proactively working with private developers, and the applicable advisory boards and other local, regional, and state agencies to improve transportation connectivity and mobility throughout Estero and to other communities. *(Added by Ordinance No. 14-16)*

POLICY 19.4.6: The Village hereby designates the CSX / Seminole Gulf rail corridor as a strategic regional transportation corridor to protect the corridor for future transportation purposes (see Map 3E). This designation has been recommended by the Lee County Metropolitan Planning Organization as a means for cities and counties along the rail corridor to recognize the regional nature of this asset and jointly commit to efforts to protect it in its entirety. This designation includes the designation of the rail corridor as a "transportation corridor" pursuant to F.S. 337.273. To implement this designation:

a. The Village of Estero supports efforts of the Lee County Metropolitan Planning Organization to plan for hiking/biking/walking trails along the entire rail corridor, to add capability for commuter rail, light rail, or bus rapid transit service in Lee County and northern Collier County, and to maintain freight capability.

b. The new Village Center Area designation (see Policy 1.1.12 and Objective 19.8) and pending amendments to the Land Development Code demonstrate the Village's commitment to transit-oriented development up to a half mile around future stations for commuter rail, light rail, or bus rapid transit. Transit-oriented development provides higher densities and intensities in a physical form that emphasizes walkability and connectivity and provides a broad range of uses, reducing reliance on vehicle trips and parking lots. Stations could be placed at Coconut Point and near Corkscrew Road. Model procedures for station area planning and implementation are provided in the Florida TOD Guidebook, published by Florida DOT in December 2012.

c. When creating its first Comprehensive Plan, the Village will consider designating the rail corridor into its own category on the Future Land Use Map. The allowable uses in this category could be determined by the entity owning or leasing the corridor for the period of time that the corridor remains in use for freight rail.

d. The Village encourages Florida DOT to purchase the real estate interests in the entire rail corridor from Arcadia to north Naples from its current owner, CSX Transportation Inc. (which leases the corridor to Seminole Gulf Railway).

e. The Village will formally oppose any attempts at abandonment of the rail corridor before the U.S. Surface Transportation Board, and will support use of federal rails-to-trails authority to railbank the corridor, if abandonment ever succeeds, in order to preserve the corridor for possible future rail service.

OBJECTIVE 19.5: NATURAL RESOURCES AND ENVIRONMENT. Ensure that Estero's natural environment enhances the character and quality of life of the community by protecting the natural resources of Estero, promoting the area's natural environment to visitors and residents, and supporting public access to greenway and waterfront areas. (Added by Ordinance No. 14-16)

POLICY 19.5.1: Protect the natural environment and resources of Estero by maintaining, amending, and implementing ~~Lee Plan~~ comprehensive plan or LDC regulations that:

a. Promote the quality of Estero's natural environment, native species and habitats, and ecological resources; and;

b. Facilitate where feasible, new development to provide public access to Estero waterways and greenways, as appropriate. Particular emphasis shall be given to properties along Estero River, its tributaries, and any Estero open spaces;

c. Incentivize the protection of Estero's natural resources—e.g.: wetlands, uplands, historic flow ways, native habitat, or other ecological resources; and

d. Require all new developments adjacent to Estero River or its tributaries to incorporate design techniques that protect the river's water quality through improved runoff or stormwater discharge practices. These techniques may include: the preservation of wetland areas, the incorporation of Low Impact Development techniques, or other surface water quality enhancement technologies. *(Added by Ordinance No. 14-16)*

POLICY 19.5.2: Improve public access, use, and enjoyment of Estero's waterfront and water-based resources by supporting the

creation of community water-based amenities such as Estero Bay water taxi, marina facilities, or other water-dependent facilities. *(Added by Ordinance No. 14-16)*

POLICY 19.5.3: Support the long term protection of Estero's environment and natural resources by working with local, regional, state, and national agencies and organizations to identify and preserve natural resources and the environment. *(Added by Ordinance No. 14-16)*

POLICY 19.5.4: The Estero Community attaches great importance to the integrity of provisions in the ~~Lee Plan~~ comprehensive plan and the Land Development Code with respect to the Density Reduction/Groundwater Resource Area (DR/GR) in so far as actions with respect to the DR/GR have an impact on the environment, natural resources, mobility, sense of place, and character of Estero. *(Added by Ordinance No. 14-16)*

OBJECTIVE 19.6: PUBLIC SPACES, PARKS, AND RECREATIONAL FACILITIES. Support Estero's quality of life through the development of a broad array of community parks, public spaces, and recreational facilities. *(Added by Ordinance No. 14-16)*

POLICY 19.6.1: Promote the development of a variety of public spaces, park, and recreational facilities within Estero by collaborating with the State of Florida, private developers and other local, state, and national organizations on the development of active and passive public resources and facilities. *(Added by Ordinance No. 14-16)*

POLICY 19.6.2: Expand the use, variety, and type of public spaces, parks, and recreational facilities within Estero by working with private developments to provide linkages, access, public parks, public space, and recreational amenities through the use of incentives, LDC requirements, and other development tools. *(Added by Ordinance No. 14-16)*

POLICY 19.6.3: Promote Estero Community Park as a hub for the entire community. Improve the park's integration with the community by improving the existing connections between the park and Estero and by constructing the originally planned westerly entrance onto Via Coconut Point. *(Added by Ordinance No. 14-16)*

POLICY 19.6.4: Encourage the use of park areas to link neighborhoods, commercial and mixed-use centers, and other open space and recreational facilities through an integrated system of bike, pedestrian, and roadways connections. *(Added by Ordinance No. 14-16)*

POLICY 19.6.5: Consistent with the ~~Lee Plan~~ Parks, Recreation, and Open Space Element, integrate the Koreshan State Historic Site into the fabric of the community by collaborating with the appropriate agencies such as the State of Florida to improve the area's landscaping, enhance pedestrian and bicycle access, historic resources and structures, and community park program and activities. *(Added by Ordinance No. 14-16)*

POLICY 19.6.6: Consistent with the ~~Lee Plan~~ Parks, Recreation, and Open Space Element, provide passive recreational opportunities within Estero State Buffer Preserve, Estero River, and Estero Bay by collaborating with the appropriate local, regional, and state agencies and private property owners to ensure the community's parks, natural amenities, and open spaces have easy access, parking, trails, and other community amenities. *(Added by Ordinance No. 14-16)*

OBJECTIVE 19.7: PUBLIC PARTICIPATION. Ensure the public has meaningful and appropriate opportunities to participate in and comment upon development in and around the Village of Estero ~~community~~. *(Added by Ordinance No. 14-16)*

POLICY 19.7.1: As a courtesy, ~~Lee County~~ the Village of Estero will register citizen groups and civic organizations within the Village of Estero that desire notification of pending review of Land Development Code amendments and ~~Lee Plan~~ comprehensive plan amendments. ~~Upon registration, Lee County will provide~~ Registered groups will be provided with documentation regarding these pending amendments. This notice is a courtesy only and is not jurisdictional. Accordingly, the ~~county's~~ failure to mail or to timely mail the notice, or failure of a group to receive mailed notice, will not constitute a defect in notice or

bar a public hearing from occurring as scheduled. *(Added by Ordinance No. 14-16)*

POLICY 19.7.2: **Reserved.** ~~The Estero Community will establish an online document clearing house for their community, where copies of selected zoning submittal documents, staff reports, Hearing Examiner recommendations, and resolutions will be provided for public inspection. The county's failure to provide or to timely provide documents to the online document clearing house, or failure of the online document clearing house to receive documents, will not constitute a defect in notice or bar a public hearing from occurring as scheduled.~~ *(Added by Ordinance No. 14-16)*

POLICY 19.7.3: The owner or agent applying for Planned Developments, Rezonings, Variances, Special Exceptions, Plan Amendments, Administrative Amendments, and Development Orders within the Village of Estero must participate in a public information meeting pursuant to adopted Village regulations and policies. ~~for county approval within the Estero Community must conduct one public informational session within the community in a publicly owned or leased facility where the agent will provide a general overview of the project for any interested citizens. Lee County encourages planning, zoning, and/or development services staff to participate at such public meetings. This meeting must be conducted before the application can be found sufficient. The applicant is fully responsible for providing the meeting space, providing advance notice of the meeting place, time and date and providing security measures as needed. Subsequent to this meeting and the applicant must provide county staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised. If the applicant chooses to hold the public meeting before any established community groups, then the minutes of that meeting as may be applicable must be provided prior to a finding of sufficiency.~~ *(Added by Ordinance No. 14-16)*

OBJECTIVE 19.8: VILLAGE CENTER. Improve the quality of life for Estero's residents and visitors by providing additional housing and neighborhood types and more diverse economic activity in the heart of Estero.

POLICY 19.8.1: This comprehensive plan includes a Village Center category on the future land use map (also referred to as the "Village Center Area") which encourages higher densities and intensities of housing, employment, shopping, recreation, and civic uses in a series of interconnected neighborhoods and mixed use areas. Policy 1.1.12 allows landowners in the Village Center Area to develop within the standard density range and other requirements of the Urban Community category; however the Village of Estero encourages land to be developed or redeveloped with a greater mix of uses and higher densities when placed in walkable mixed-use patterns. The glossary defines 'density,' 'mixed-use,' 'walkable,' and 'mixed-use pattern.' The specific goals of 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.

As the Village of Estero approves its first comprehensive plan and land development code, as required by law, the area comprising the Village Center Area may change to, among other things, include other land in that vicinity that meets the goals and objectives of the Estero Community Plan and furthers Objective 19.8 and the policies thereunder.

POLICY 19.8.2: The Village will create a new planned development zoning district in the Land Development Code (the "Estero Central Planning District") to help implement these policies. This zoning district will contain tiered standards that apply to the Village Center Area and may include sub-districts which may have specific policies applying therein. Rezoning to the new planned development zoning district must be sought to take advantage of the new tiered standards and densities with respect to specific development tracts. The Village's intention is to use this new zoning district whenever increases in density and intensity are requested in the Village Center Area.

POLICY 19.8.3: The Land Development Code provisions that will implement the objective and policies set forth in this Objective 19.8

shall consider such reasonable guidelines as are necessary in order to foster predictable built results and higher quality public spaces by using physical form (rather than separation of uses) as the organizing principle for achieving such objectives. Such guidelines may consider designating locations where different building form standards apply, the relationship of buildings to the public space, public standards for such elements in the public space as sidewalks, 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. The Land Development Code provisions may also consider other alternative types of reasonable guidelines that may accomplish such goals in a different or complementary manner.

POLICY 19.8.4: Properties in the Village Center Area which have vested rights under the law may proceed under such vested rights as otherwise provided in the comprehensive plan and Land Development Code, and shall not be required by virtue of Objective 19.8 and the policies thereunder to seek rezoning to the Village Center standards if no increases in either densities or intensity (as such term is defined in the Land Development Code) are sought beyond such vested rights.

a. Nothing contained in Objective 19.8 and the policies thereunder shall modify or abridge the law of vested rights or estoppel under Florida Statutes or judicial precedent. Developments of Regional Impact maintain their statutory vested rights status pursuant to the provisions of Chapter 380.06 and Section 163.3167(5), Florida Statutes.

b. If the property owner is unclear as to the exact nature of the vested rights that are claimed, such property owner may submit an application to the Village of Estero for a determination of such vested rights. The Village Council will conduct a public hearing to determine the nature and extent of such vested rights, and shall apply judicially defined principles of equitable estoppel in making such determination. Each vested rights determination is based on the facts and law associated with that particular property and shall not be considered as a precedent that can be relied upon in any other determination.

POLICY 19.8.5: The Land Development Code will provide standards for four levels of development in the Village Center Area that will contribute to a walkable mixed-use environment in the Village Center Area:

a. Tier 1 provides a minimum network of connecting streets that will allow the public to move by car, bike, or on foot within and through development tracts.

b. Tier 2 accommodates residential neighborhoods with higher densities and a potential for a greater variety of housing types, as well as mixed-use neighborhoods with higher levels 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 higher levels of non-residential uses as well.

d. Tier 4 allows an entire development tract to be planned as a compact community, as provided in Chapter 32.

POLICY 19.8.6: The Land Development Code will provide minimum standards for each tier and will describe public benefits that developers may offer to obtain specified density/intensity incentives in each tier.

POLICY 19.8.7: Base and maximum residential densities will be set by the Village Council during the planned development rezoning process based on its determination of an application's compliance with this comprehensive plan and the specific standards and requirements for each tier. Increases in base residential densities may be allowed after consideration of incentive offers as provided in the Land Development Code. Densities cannot exceed the top of the following ranges:

a. Tier 1: Base level is up to 6 dwelling units per acre of Tier 1-only land plus up to 3 additional dwelling units per acre of Tier 1-only land after consideration of accepted incentive offers, for a maximum of 9 dwelling units per acre of Tier 1-only land.

b. Tier 2: Base level is up to 10 dwelling units per acre of Tier 2 land plus up to 4 dwelling units per acre of Tier 2 land after consideration of accepted incentive offers, for a maximum of 14. dwelling units per acre of Tier 2 land.

c. Tier 3: Base level is up to 15 dwelling units per acre of Tier 3 land plus up to 5 dwelling units per acre of Tier 3 land after consideration of accepted incentive offers, for a maximum of 20. dwelling units per acre of Tier 3 land.

d. Tier 4: Base level is up to 21 dwelling units per acre of Tier 4 land plus up to 6 dwelling units per acre of Tier 4 land after consideration of accepted incentive offers, for a maximum of 27. dwelling units per acre of Tier 4 land.

POLICY 19.8.8: With respect to these base and maximum residential density calculations:

a. For land in Tier 1-only, densities are calculated based on the definition of "Density" in the Glossary of the comprehensive plan, thus excluding non-residential land in Tier 1.

b. For land in Tiers 2, 3, and 4, densities are calculated based on this definition except that non-residential land is included for these tiers only.

~~GOAL 20: BAYSHORE COMMUNITY.~~

[repeal Goal 20 and associated objectives and policies]

~~GOAL 21: CALOOSAHATCHEE SHORES.~~

[repeal Goal 21 and associated objectives and policies]

~~GOAL 22: BOCA GRANDE.~~

[repeal Goal 22 and associated objectives and policies]

~~GOAL 23: THE PALM BEACH BOULEVARD CORRIDOR.~~

[repeal Goal 23 and associated objectives and policies]

~~GOAL 24: COMMUNITY PLANNING.~~

[repeal Goal 24 and associated objectives and policies]

~~GOAL 25: NORTH CAPTIVA (Upper Captiva).~~

[repeal Goal 25 and associated objectives and policies]

~~GOAL 26: ALVA.~~

[repeal Goal 26 and associated objectives and policies]

~~GOAL 27: PAGE PARK COMMUNITY.~~

[repeal Goal 27 and associated objectives and policies]

~~GOAL 28: NORTH FORT MYERS.~~

[repeal Goal 28 and associated objectives and policies]

~~GOAL 29: OLGA COMMUNITY.~~

[repeal Goal 29 and associated objectives and policies]

~~GOAL 30: BURNT STORE MARINA VILLAGE.~~

[repeal Goal 30 and associated objectives and policies]

~~GOAL 31: DESTINATION RESORT MIXED USE WATER DEPENDENT (DRMUWD).~~

[repeal Goal 31 and associated objectives and policies]

~~GOAL 32: LEHIGH ACRES.~~

[repeal Goal 32 and associated objectives and policies]

~~GOAL 33: SOUTHEAST LEE COUNTY.~~

[repeal Goal 33 and associated objectives and policies]

~~GOAL 34: NORTHEAST LEE COUNTY PLANNING COMMUNITY.~~

[repeal Goal 34 and associated objectives and policies]

~~GOAL 35: NORTH OLGA COMMUNITY.~~

[repeal Goal 35 and associated objectives and policies]

GOAL 2: GROWTH MANAGEMENT. To provide for an economically feasible plan which coordinates the location and timing of new development with the provision of infrastructure by government agencies, private utilities, and other sources.

OBJECTIVE 2.12: DIVERSIFIED CLUSTER DEVELOPMENT. ~~The County~~ In several future land use categories, the Village of Estero allows the potential for a mixture of different land uses including: residential, commercial/office, research and development, and medical. ~~light industrial.~~ *(Added by Ordinance No. 09-06)*

POLICY 2.12.1: The Village ~~County~~ encourages and promotes clustered, mixed use development within certain Future Urban Area land use categories to spur cluster development and smart growth within those areas ~~of Lee County~~ where sufficient infrastructure exists to support development, as well as continue to improve the economic well-being of the County; provide for diversified land development; and provide for cohesive, viable, well-integrated, and pedestrian and transit oriented projects. This is intended to encourage development to be consistent with Smart Growth principles. *(Added by Ordinance No. 09-06)*

POLICY 2.12.2: **Reserved.** ~~Future development within the Tradeport and Industrial Development future land use categories is strongly encouraged to be designed to include a mixture of research and development, industrial, and related office uses, where appropriate.~~ *(Added by Ordinance No. 09-06)*

POLICY 2.12.3: Future development within the Intensive Development, Central Urban, and Urban Community future land use categories is strongly encouraged to be development as a mixed use with two or more of the following uses: residential, commercial (including office), and ~~light industrial (including~~ research and development ~~use~~). When residential use is one of the uses proposed, in a mixed use development, residential densities may be developed taking into consideration the definitions under the Glossary terms: "Mixed Use," "Mixed Use Building," "Mixed-Use Pattern," "Walkable," and "Density." *(Added by Ordinance No. 09-06)*

GOAL 4: SUSTAINABLE DEVELOPMENT DESIGN. To pursue or maintain land development code regulations which encourage ~~creative site designs and~~ mixed-use patterns. Using an overlay, locate appropriate areas for Mixed Use, Traditional Neighborhood Development, and Transit Oriented Development. *(Amended by Ordinance No. 94-30, 07-15)*

OBJECTIVE 4.1: Maintain the ~~current~~ planned development rezoning process which combines site planning flexibility with rigorous review. *(Amended by Ordinance No. 91-19, 94-30, 07-15)*

POLICY 4.1.1: Development designs will be evaluated to ensure that land uses and structures are well integrated, properly oriented, and functionally related to the topographic and natural features of the site and to the existing and potential street pattern on surrounding sites. ~~, and that the placement of uses or structures within the development minimizes the expansion and construction of street and utility improvements.~~ *(Amended by Ordinance No. 91-19, 00-22)*

POLICY 4.1.2: Development designs will be evaluated to ensure that the internal street system is designed for the efficient and safe flow of vehicles and pedestrians without having a disruptive effect on the activities and functions contained within or adjacent to the development. *(Amended by Ordinance 91-19, 00-22)*

OBJECTIVE 4.2: MIXED-USE OVERLAY. Designate areas on the Future Land Use Map for Mixed Use, Traditional Neighborhood, and Transit Oriented development patterns. *(Added by Ordinance No. 07-15)*

POLICY 4.2.1: The Village ~~County~~ will maintain an overlay in the future land use map series (Map 1, Page 6) identifying locations outside the Village Center Area that are also desirable for mixed use patterns because they ~~that~~ are located in close proximity to: public transit routes; education facilities; recreation opportunities; and, existing residential, shopping and employment centers. Development approvals in the Village Center Area that had been based on a property having been within Lee County's prior mixed-use overlay designation may request modifications to those approvals provided the modifications are in compliance with this Comprehensive Plan and

Land Development Code and do not increase the previously approved densities and intensities. Appropriate locations for any future mixed-use overlay will have a positive impact on transportation facilities though increased transit service, internal trip capture, and reduced travel distance (preference will be given to locations serviced by multiple transit routes). An analysis showing the number of existing and potential residential units within the immediate and extended pedestrian shed (measured through connections and delineating pedestrian barriers) will be considered in identifying appropriate locations. *(Added by Ordinance No. 07-15)*

POLICY 4.2.2: The Mixed Use Overlay will not intrude into established single family neighborhoods. Connections to existing residential neighborhoods will be provided upon the residential neighborhood's desire and not precluded by the Mixed Use Development's design. *(Added by Ordinance No. 07-15)*

POLICY 4.2.3: **Reserved.** ~~Any Planned Development project adhering to the Mixed Use Overlay standards, at the discretion of the Board of County Commissioners, may extend beyond the Mixed Use Overlay zone up to one quarter mile.~~ *(Added by Ordinance No. 07-15)*

POLICY 4.2.4: **Reserved.** ~~The Mixed Use Overlay may include areas within the Coastal High Hazard Area when unique public benefits exist. Such benefits may include providing workforce housing options for employees of businesses located on barrier islands when transit is provided between the workforce housing and the employment areas.~~ *(Added by Ordinance No. 07-15)*

POLICY 4.2.5: **Reserved.** ~~Encourage mixed use developments on sites that have existing connectivity to adjacent neighborhoods, qualify as a grayfield or brownfield sites, or are candidates for Transit Oriented Development. Properties lacking potential interconnections to adjacent properties will not be considered as preferred locations for the Mixed Use Overlay.~~ *(Added by Ordinance No. 07-15)*

POLICY 4.2.6: Reserved. ~~Staff will work with communities, specifically during the community planning process, to explain the benefits and address concerns related to mixed use/higher density developments to build the consensus needed to identify appropriate locations for the Mixed Use Overlay.~~ *(Added by Ordinance No. 07-15)*

POLICY 4.2.7: Development located in the Mixed-Use Overlay that utilizes the Compact PD zoning category ~~applying Chapter 32 – Compact Communities of the Lee County Land Development Code~~ will not be subject to the site location standards listed in Policy 6.1.2 and 6.1.2.7. *(Added by Ordinance No. 11-18)*

OBJECTIVE 4.3: The Mixed Use Overlay shall not include property in the Village Center Area. Development, redevelopment, and infill rezonings located within the Mixed Use Overlay outside of the Village Center Area that utilize the Compact PD or Mixed Use Planned Development (MPD) zoning category and meet the criteria in the policies below ~~that incorporate the following Mixed Use, New Urbanism, Traditional Neighborhood Development (TND), and Transit Oriented Development (TOD) criteria~~ will be allowed to use the area of commercial, office, ~~light industrial,~~ natural water bodies and other non-residential uses in their density calculations. These proposals must contribute to ~~areas will be~~ compact, multi-purpose, mixed use patterns ~~centers~~ which integrate commercial development with residential, civic, and open space within the same neighborhood or ~~and~~ buildings. *(Added by Ordinance No. 07-15)*

POLICY 4.3.1: **Reserved.** ~~Developments within the Mixed Use Overlay conforming to Chapter 32 – Compact Communities of the Land Development Code, will be deemed as meeting the principles listed in this objective.~~ *(Added by Ordinance No. 07-15, Amended by Ordinance No. 11-18)*

POLICY 4.3.2: **Mixed Uses:** ~~A balanced mixture of~~ Carefully mixing complementary uses can ~~will be provided to~~ reduce overall trip lengths, ~~to~~ support pedestrian, bicycle and transit opportunities and create pedestrian friendly streetscapes.

a. Mixed uses will be encouraged within individual buildings (e.g. residential above retail or office space) but may be located in separate buildings that can be easily reached using publicly accessible sidewalks and streets.

b. Mixed Use Overlay areas not within the Village Center Area will provide public gathering places, civic uses, such as green spaces or community centers, and other public amenities as described in Policy 19.2.1.

c. Mixed-use patterns will be integrated within an overall design framework to create a pedestrian friendly, human scale environment, through objective, measurable criteria including size, scale, proportion, and materials detailed in the land development regulations. Flexibility in design will allow for choice and variety in architectural style.

d. The Mixed Use Overlay is intended for mixing uses that are complementary rather than conflicting, as those terms are used in the glossary's definition of mixed use. The nature of the mix of uses will be determined based upon the needs of the Village, character of the surrounding area, the compatibility of the uses, and the characteristics of the transportation network. *(Added by Ordinance No. 07-15)*

POLICY 4.3.3: Site and Building Design: Integrate commercial, residential, civic, and open spaces to create multipurpose developments that feature unique style and ambiance through design, encouraging civic involvement and events to promote community interaction.

a. Provisions for outdoor livability, including interconnected pedestrian and bike facilities, walkways, public plazas, ample seating, and walkable block size.

b. Well defined centers and edges with public or civic space creating an element around which other development is located.

c. Development plans will create focal points of signature buildings, civic spaces, natural amenities, and other prominent features through placement or street layout.

d. Link pedestrian routes and bikeways with the street system or other public space such as parks or squares avoiding routes through parking lots and other locations out of the public realm.

e. When necessary, development density and intensity will gradient from the center to the edge suitable to integrated surrounding land uses.

f. The designs will include a pedestrian circulation system to connect the nonresidential uses with residential uses and areas.

g. Local climate and history will dictate the architectural and landscape design and natural methods of cooling and heating will be encouraged. Evaluate Green Building techniques as an alternative way to provide open space.

h. Streets and roads will be fronted by design features including sidewalks which define and contribute to a pedestrian street character. Building design, placement, and entrances will be at a pedestrian scale and oriented towards streets or other public space such as parks or squares.

i. The street system will equally serve automobile and non-automobile modes of transportation. Development will provide pedestrian and bicycle-friendly access, and will provide transit facilities to the development and the surrounding community.

j. Large scale nonresidential establishments will incorporate development design techniques to integrate the establishment into the surrounding community. Such design techniques will include:

   1. creation of a series of smaller, well defined customer entrances to break up long facades and provide pedestrian scale and variety, that may be achieved through the use of liner buildings.
   2. limited number and size of signs.
   3. landscaping and use of pocket parks and courtyards adequate to soften large building masses.

k. An "A/B" street grid system may be utilized where "A" streets meet all pedestrian oriented standards and create a continuous uninterrupted pedestrian friendly streetscape, while "B" streets may include a limited amount of properly designed non-pedestrian oriented uses.

l. Crime Prevention Through Environmental Design (CPTED) guidelines will be incorporated to the maximum extent possible. *(Added by Ordinance No. 07-15)*

POLICY 4.3.4: Parking: Parking areas will be designed to minimize intrusiveness and impacts on the pedestrian character, through the following techniques:

a. On-street parking with landscaping and design features, such as corner and mid-street bump outs, that afford traffic calming and produce a comfortable and safe pedestrian environment will be promoted.

b. Parking lot locations will not separate pedestrian areas including sidewalks, squares, and plazas from the front of buildings containing the primary entrance.

c. Parking lots will be screened from all streets, sidewalks, and open spaces, and will be designed to maintain or enhance the street edge.

d. Parking lots will be designed with safe pedestrian connections to business entrances and public space to create a park-once environment.

e. Reduction of paved parking areas will be evaluated wherever practicable through measures such as provision of shared parking and parking structures to serve multiple uses and alternative paving materials. Large expanses of pavement will be discouraged. Reduced ratios of required parking for non-residential uses will be provided in the land development regulations.

(Added by Ordinance No. 07-15)

POLICY 4.3.5: ~~Automobile Access: Automobile facilities~~ Streets and Alleys: Streets will be designed to provide safe access to, through (where feasible), and within each ~~the~~ development.

a. Internal streets must meet Land Development Code standards found in Article II of Chapter 32 and ~~traffic circulation system design~~ will include:

   1. narrow traffic lanes and other traffic calming techniques to maintain safe multi-modal transportation.
   2. an interconnected street system extended to adjacent sites at the least intrusive locations, with interconnections as may be provided in the Land Development Code.
   3. maximum use of common access drives to arterial roads.
   4. a system of alleyways for service vehicles and access to parking.
   5. convenient access to transit facilities.
   6. sidewalks shaded by rows of street trees.

b. Major points of ingress to and egress from arterial roads carrying through traffic will be located at the allowed intersection spacing and connect to the internal traffic circulation system.

c. ~~A connector street system~~ Public streets will provide multiple vehicular, bicycle, and pedestrian linkages to adjacent local destinations, including residential neighborhoods, as an alternative to arterial and collector roads, except where such connections are precluded by physical layout of natural environmental features.

d. Automobile-oriented uses will have a limited number of driveways, and drive-in or drive-up windows will be located to avoid conflict with pedestrian and bicycle traffic.

e. Additional provisions to achieve the goals of development of walkable environments will be established in the Land Development Code.

(Added by Ordinance No. 07-15)

POLICY 4.3.6: Community Green Space: Public space and landscaping will be provided that includes.

a. Public areas will provide adequate urban landscaping that includes street trees, planted areas, and street furniture.

b. Required surface and storm water management facilities will be designed ~~as an~~ integrally with civic spaces, and as a physical or visual amenity that provides usable open space or an aesthetic feature that resembles natural areas.

c. Paved areas (including parking) will require overhead shading from tree canopy or building features based on factors such as scale of development and performance standards.

(Added by Ordinance No. 07-15)

POLICY 4.3.7: Connectivity and Buffering: Mixed use developments will be well integrated both internally and externally.

a. Automotive, pedestrian and/or bicycle connections to adjacent commercial development will be provided.

b. Connections to adjacent residential neighborhoods will not be precluded by the Mixed Use Development's design.

c. Buffering of uses internal to a Mixed Uses development are not required.

d. Buffering from adjacent developments, when deemed absolutely necessary, will not preclude future interconnectivity.

(Added by Ordinance No. 07-15)

~~**POLICY 4.3.8:** Properties in a Mixed Use Overlay Zone, not within the Coastal High Hazard Area, will be considered as preferred receiving areas for Transferable Development Rights (TDRs) and will allow these TDRs to serve as a method for obtaining allowable bonus densities.~~ *(Added by Ordinance No. 07-15)*

~~**POLICY 4.3.9:** The owner or agent for a rezoning request utilizing the Mixed Use Overlay must conduct one publicly noticed informational session, before sufficiency, where the agent will, at a minimum, present an overview of the project's consistency with this objective. Subsequent to this meeting, the applicant must provide County staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised.~~ *(Added by Ordinance No. 07-15)*
[the content of Policy 4.3.9 duplicates Policy 19.7.3]

OBJECTIVE 4.4: *[no changes proposed]*

GOAL 6: COMMERCIAL LAND USES. To permit orderly and well-planned commercial development at appropriate locations ~~within the county~~. *(Amended by Ordinance No. 94-30)*

OBJECTIVE 6.1: Development approvals for commercial land uses must be consistent with the following policies, the general standards under Goal 11 and other provisions of this plan. *(Amended by Ordinance No. 94-30, 11-18)*

POLICY 6.1.1: All applications for commercial development will be reviewed and evaluated as to:

a. Traffic and access impacts (rezoning and development orders);
b. Landscaping and detailed site planning (development orders);
c. Screening and buffering (planned development rezoning and development orders);
d. Availability and adequacy of services and facilities (rezoning and development orders);
e. Impact on adjacent land uses and surrounding neighborhoods (rezoning);
f. Proximity to other similar centers (rezoning); and
g. Environmental considerations (rezoning and development orders). *(Amended by Ordinance No. 00-22)*

POLICY 6.1.2: Commercial development must be consistent with the location criteria in this policy except where specifically excepted by this policy or by Policy 6.1.7~~, or in Lehigh Acres by Policy 32.2.4~~ or if located in the Mixed Use Overlay and utilizing the Compact PD zoning category. ~~Chapter 32 – Compact Communities of the Land Development Code.~~

1. **MINOR COMMERCIAL**

a. **Major function:** Provides for the sale of convenience goods and services.

b. **Location:** The entire retail use, including buildings and outdoor sales area, must be located as follows except where this plan provides specific exceptions (e.g., Policy 6.1.7):

(1) On or near the intersection (within 330 feet of the adjoining rights-of-way of the intersection roads) of local and collector, local and arterial, or collector and collector roads. In Commercial Planned Developments where future road improvements that are included in the Capital Improvement Program will enable the property to qualify for the higher level of commercial development specified in Subsection 2 below, and which are conditioned to allow the increased commercial intensity when the roadway actually functions at the higher level of a collector road, the Minor Commercial use may extend beyond 330 feet of such intersections provided the Master Concept plan specifically indicates the phasing of the development from Minor to Neighborhood Commercial use. Proposed interconnections of future internal access roads or driveways servicing only the subject parcel with an arterial or collector will not comply with the requirements of this section;

(2) At the intersection (as defined below) of collector and arterial or arterial and arterial roads; or

(3) Within a residential planned development provided it is located and designed primarily to meet the commercial needs of the residents of the development.

c. **Site Area:** Two acres or less.

d. **Range of Gross Floor Area:** Less than 30,000 square feet.

e. When developed as part of a Mixed Use planned development or Compact planned development, and meeting the use limitations, modified setback standards, signage limitations and landscaping provisions, retail uses may deviate from the locational requirements and maximum square footage limitations, subject to conformance with the Estero Community Plan as outlined in Policies 19.2.3 and 19.2.4, and through approval by the ~~Board of County Commissioners~~ Village Council.

2. **NEIGHBORHOOD COMMERCIAL**

a. **Major function:** Provide for the sale of convenience goods and personal services such as food, drugs, sundries, and hardware items.

b. **Typical leading tenants:** Supermarket and drug store.

c. **Location:** Must be located as follows (except where this plan provides specific exceptions):

At the intersection of an arterial and a collector or two arterials so that direct access is provided to both intersecting roads. Such direct access may be provided via an internal access road to either intersecting road. ~~On Lee County's islands where there is no intersecting network of collectors and arterials, neighborhood commercial centers may be located using the standards for minor commercial centers.~~

d. **Site Area:** 2 to 10 acres

e. **Range of Gross Floor Area:** 30,000 to 100,000 square feet

~~f. In that portion of North Fort Myers lying between the Cape Coral city limits and the old S.A.L. railroad grade and north of the junction of the 41s, an exception to the strict adherence to the location standards in subsection (c) may be granted upon the approval of an application for Commercial Planned Development rezoning if the Board of County Commissioners makes a formal finding that the proposed project:~~

~~(1) is located on an existing arterial road;~~

~~(2) is located at the intersection of that arterial with a future collector or arterial that is indicated on the Official Trafficways Map; and~~

~~(3) will provide (or at least not interfere with) an acceptable alignment for the future roadway which is the justification for the approval, relative to both extensions from the point of intersection with the existing road.~~

3. COMMUNITY COMMERCIAL

a. **Major function:** Some functions of neighborhood commercial, in addition to providing for the sale of retail goods such as clothing, variety items, appliances, and furniture.

b. **Typical leading tenants:** Supermarket, drug store, minor department store, variety store, or discount center.

c. **Location:** Must be located as follows (except where this plan provides specific exceptions):

- At the intersection of two arterials so that direct access is provided to both intersecting roads.
- Such direct access may be provided by an internal access road to either intersecting road.

d. **Site Area:** 10 to 35 acres

e. **Range of Gross Floor Area:** 100,000 to 400,000 square feet

~~f. Notwithstanding prohibitions contained elsewhere in this plan, community commercial development may be granted in a portion of the Suburban land use category in North Fort Myers lying between the Cape Coral city limits and the old S.A.L. railroad grade and north of the junction of the 41s upon the approval of an application for Commercial Planned Development rezoning if the Board of County Commissioners makes a formal finding that the proposed project:~~

~~(1) is located on an existing arterial road;~~

~~(2) is located at the intersection of that arterial with a future arterial road that is indicated on the Official Trafficways Map; and~~

~~(3) will provide (or at least not interfere with) an acceptable alignment for the future roadway which is the justification for the approval, relative to both extensions of that future roadway from the point of intersection with the existing road.~~

4. REGIONAL COMMERCIAL

a. **Major Function:** Some functions of community commercial, in addition to providing a full range and variety of shopping goods for comparative shopping (such as general merchandise, apparel, furniture, and home furnishings).

b. **Typical leading tenants:** One or more full-line department stores.

c. **Location:** Must be located in such a manner as to provide direct access to two and preferably three arterial roads. Such direct access may be via an internal access road to one or more arterials.

d. **Site Area:** 35 to 100 acres

e. **Range of Gross Floor Area:** 400,000 to 1 million square feet or more.

f. The Commercial Site location standards described in this policy do not apply to Regional Commercial development approved as a single mixed-use Development of Regional Impact containing regional shopping opportunities on a 483-acre portion of Section 9, Township 47 South, Range 25 East, that is bounded on the west by U.S. 41, on the east by the Seminole Gulf Railroad tracks, on the south by Coconut Road, and on the north by a line located one half mile north of Coconut Road designated Urban Community, provided that the DRI specifically addresses:

1) Impacts to flow-ways,
2) Community and Regional Park levels of service,
3) Roadway levels of service,
4) Public Schools,
5) Fire protection services, and
6) Affordable housing.

5. Commercial development "at the intersection" will extend no more than one-quarter mile from the centerline of the intersection and must include proper spacing of access points, with the following exception: in a commercial development approved under the planned development rezoning process, "at the intersection" may extend beyond one-quarter mile from the intersection, provided that:
   a. direct access 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 street prior to occupancy of the development; and
   c. all access points meet Land Development Code requirements for safety and spacing.
   d. the retail commercial use, including any outdoor sales, does not extend beyond one-half mile from the centerline of the intersection.

6. Any contiguous property under one ownership may, at the discretion of the ~~Board of County Commissioners~~ Village Council, be developed as part of the ~~interstate~~ General Interchange category, ~~except in the Mixed Use Interchange district,~~ provided the property under contiguous ownership to be developed as part of the ~~interstate~~ interchange does not extend beyond three-quarters of a mile from the interchange centerpoint. Applications seeking interstate uses outside of the ~~interstate highway~~ designated interchange area will be evaluated ~~by the Board~~ considering the following factors: percentage of the property within the ~~interstate~~ interchange; compatibility with existing adjacent land uses; and, compatibility with surrounding Future Land Use Categories. This is intended to promote planned developments under unified ownership and control, and to insure proper spacing of access points.

7. The location standards specified in Subsections 1-4 will apply to the following commercial developments: shopping centers; free-standing retail or service establishments; restaurants; convenience food stores; automobile dealerships; gas stations; car washes; and other commercial development generating large volumes of traffic. These location standards will not apply to the following: banks and savings and loan establishments without drive-in facilities; hotels or motels; marinas; general, medical, or professional offices; industrial, warehouse, or wholesale development; clubs, as defined in Chapter 34 of the Land Development Code (commercial clubs excepted); and other similar development. ~~The distinction in this subsection between these two major types of commercial uses does not apply in Lehigh Acres, where commercial uses are permitted in accordance with Policy 32.2.4. These location standards will not apply to property in the Mixed Use Overlay when Chapter 32 – Compact Communities of the Land Development Code is applied.~~

8. The standards specified in Subsections 1-4 for location, floor area and site area will serve as guidelines during the rezoning process (allowing limited discretion by the ~~Board of County Commissioners~~ Village Council in special cases in which retail uses are the only reasonable use of the parcel in light of its size, its proximity to arterials and collectors, and the nature of the existing and projected surrounding uses, including but not limited to environmental factors) but are strict requirements during the development order process in the case of zoning that existed prior to the effective date of the Lee Plan (December 21, 1984). The other standards specified in Subsections 1-4 will serve generally to indicate the types of development which are likely to fall within each commercial category. Proposed rezonings to commercial zoning districts that include both uses that are subject to the standards in Subsections 1-4 and uses that are not (see Subsection 7) may be found consistent with the ~~Lee Plan by the Board of County Commissioners~~ comprehensive plan by the Village Council even if the subject parcel does not comply with the applicable location standard; provided, however, that no development orders will be issued on any such parcel for any use to which the standards in Subsection 1-4 is applicable, and all such development orders must be consistent with the level of service requirements in Policy 95.1.3.

9. The location standards in this policy are not applicable in ~~the following areas:~~

   ~~a. In~~ the General Interchange land use category.

   b. ~~In Lehigh Acres where commercial uses are permitted in accordance with Goal 32~~

   c. ~~Within the Captiva community in the areas identified by Policy 13.2.1, in Area 9 of the University Community Conceptual Master Plan, or within the Mixed-Use Overlay when utilizing Chapter 32 - Compact Communities of the Land Development Code~~

   ~~d. In the Density Reduction/Groundwater Resource land use category where some commercial development is permitted under Objective 33.3.~~

10. The ~~Board of County Commissioners~~ Village Council may approve applications for minor commercial centers that do not comply with the location standards for such centers but which are consistent with ~~duly adopted CRA and~~ the Estero Community Plans policies under Goal 19.

11. Uses that must comply with Subsections 1-4 may occur at the outside of a T-intersection so long as direct access is provided from at least two points on the adjacent intersecting road, one of which must be an extension of the other intersecting road.

12. Map 19 illustrates the existing ~~Lee County~~ intersections that are deemed to be consistent with the standards in subsections 2 and 3. Neighborhood and community commercial centers must be located at one of the designated intersections, at another intersection utilizing the list of Functional Classification for Arterial and Collector Roads, or in accordance with one of the exceptions under Goal 6~~, or in Lehigh Acres in accordance with Policies 1.8.1 through 1.8.3~~.

    The map shows some intersections with half-circles and others with full circles. Half circles indicate that only the two intersection quadrants shown on the map are deemed to be consistent with the standards. All of the quadrants of intersections designated with full circles are deemed to be consistent with the standards. Proposed neighborhood and community commercial centers that are located at the designated intersections are subject to all of the other Goals, Objectives and Policies of this Plan.

    Functional classifications of new or improved streets will be established in accordance with the definitions of "arterial" and "collector" roads in Rule 9J-5.003. A list of Functional Classification for Arterial and Collector Roads, consisting of roads that meet this criteria, will be maintained by the Lee County Department of Transportation, for county maintained roads, and the Lee County Division of Development Services, for privately maintained roads. ~~These functional classification lists will be adopted by Administrative Code.~~ For the purpose of determining compliance with the locational standards of Policy 6.1.2, only those roads identified as Major Collector roads will be considered collector roads. Roads identified as Minor Collector or not included on the list will be considered local roads. ~~The map will be revised annually during the county's regular plan amendment cycle.~~

~~13. Freestanding single use commercial retail development of five (5) acres or more does not qualify as a Neighborhood Center as that term is used in the Suburban and Outlying Suburban Future Land Use Categories.~~ *(Amended by Ordinance No. 93-25, 94-30, 98-09, 99-15, 99-18, 00-22, 02-02, 07-09, 10-05, 10-16, 10-19, 10-40, 11-18)*

POLICY 6.1.3: Commercial developments requiring rezoning and ~~meeting Development of County Impact (DCI)~~ exceeding thresholds defined in the Land Development Code must be developed as Commercial planned developments, Mixed Use planned developments, or Compact planned developments that are designed to arrange uses in an integrated and cohesive unit in order to:

- provide visual harmony and screening;
- reduce dependence on the automobile;
- promote pedestrian movement within the development;
- utilize joint parking, access and loading facilities;
- avoid negative impacts on surrounding land uses and traffic circulation;
- protect natural resources; and
- provide necessary services and facilities where they are inadequate to serve the proposed use. *(Amended by Ordinance No. 94-30, 00-22)*

XII. Glossary

DENSITY - The number of residential dwelling or housing units per gross acre (du/acre). Densities specified in this plan are gross residential densities. For the purpose of calculating gross residential density, the total 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. Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included, except in the Village Center Area as specifically provided in Objective 19.8 and the policies thereunder, and except within areas outside the Village Center Area that are identified on the Mixed Use Overlay Map (Future Land Use Map Series Map 1 page 6 of 8) that have elected to use the process described in Objective 4.3. ~~4.2 and except within areas identified as Mixed-Use Communities as identified on Map 17 where development rights are concentrated or transferred using the process described under Objective 33.3. Within the Captiva community in the areas identified by Policy 13.2.1, commercial development that includes commercial and residential uses within the same project or the same building do not have to exclude the commercial lands from the density calculation. For true mixed use developments located on the mainland areas of the County, the density lost to commercial, office and industrial acreage can be regained through the utilization of TDRs that are either created from Greater Pine Island Coastal Rural future land use category or previously created TDRs. True mixed use developments must be primarily multi-use structures as defined in this Glossary as a mixed use building. If development is proposed in accordance with Policy 2.12.3, residential densities are calculated using the total land area included in the mixed use portion of the development.~~ *(Amended by Ordinance No. 98-09, 00-22, 03-21, 05-21, 07-09, 07-14, 09-06, 10-43)*

INFILL - The use of vacant land within a predominantly developed area for further construction or development. These lands already have public services available but may require improvements to meet current development standards. *(Added by Ordinance No. 07-14)*

MIXED USE – Complementary uses of land generally within a walkable distance from one another. Complementary means uses are compatible with each other and would serve the same users without requiring a car or a bike/walk trip on a circuitous or inhospitable route. Complementary uses are the opposite of conflicting uses, for example industrial uses or commercial uses that have features near residential uses which could negatively impact the quality of life or interfere with the quiet enjoyment of such residential uses. ~~The development, in a compact urban form, including residential and one or more different but compatible uses, such as but not limited to: office, industrial and technological, retail, commercial, public, entertainment, or recreation.~~ These uses may be combined within the same Mixed-Use Building or may be grouped together in cohesive neighboring buildings with limited separation, unified form and strong pedestrian interconnections to create a seamless appearance. ~~True mixed use developments primarily consist of mixed use buildings as defined by this Glossary.~~ *(Amended by Ordinance No. 05-21, 07-14)*

MIXED-USE BUILDING – Mixed-Use Building means a building that contains at least two different complementary land uses (i.e. commercial and residential, R & D and residential, office and residential, commercial and civic use open to the public) ~~that are related~~. *(Added by Ordinance No. 05-21)*

MIXED-USE PATTERN - A physical pattern where streets form an interconnected network within and surrounding various parcels in an overall development area, neighborhood, or group of interconnected neighborhoods. A variety of methods to subdivide such areas and neighborhoods may be utilized to develop individual buildings that can accommodate a variety of complementary land uses and building types.

REDEVELOPMENT - Development activity characterized by replacement of existing dilapidated or underperforming structures. The new development is usually at a higher level of intensity or density. *(Added by Ordinance No. 07-14)*

TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND) - A form of development that creates mixed-use, mixed-income neighborhoods that are compact, diverse and walkable. *(Added by Ordinance No. 07-14)*

TRANSIT ORIENTED DEVELOPMENT (TOD) - Development located within walking distance of a transit stop using a mixed use development pattern and ~~that is mixed use and developed using~~ Traditional Neighborhood Development standards. *(Added by Ordinance No. 07-14)*

WALKABLE – A characteristic of mixed-use neighborhoods or districts where people can safely walk to nearby destinations on sidewalks or paths that encourage comfortable movement without driving. Nearby destinations are generally viewed as those that can be reached by a 5-minute walk or about ¼ mile in distance.

~~Table 1(c)~~
~~Mixed Use Overlay/Lehigh Acres~~
~~Specialized Mixed Use Node Ratios~~

~~Future Land Use Map Category~~	~~Floor Area Ratio~~	~~Acres*~~	~~Percent Residential~~	~~Percent Non-Residential~~
~~Intensive Development~~	~~3~~	~~1,595~~	~~10-50%~~	~~50-90%~~
~~Central Urban~~	~~2~~	~~3,997~~	~~20-50%~~	~~50-80%~~
~~Urban Community~~	~~2~~	~~3,195~~	~~25-60%~~	~~40-75%~~
~~Suburban~~	~~1~~	~~391~~	~~30-70%~~	~~30-70%~~
~~Outlying Suburban~~	~~1~~	~~123~~	~~30-70%~~	~~30-70%~~

~~* Remaining acres are within non-residential areas that are situated within the overlay such as Public Facilities and Wetlands.~~

~~Lee Plan~~ Future Land Use
Map 1, Page 1 of 8

[Certain land is being redesignated from Urban Community, Suburban, Outlying Suburban, Public Facilities, and Rural to the new Village Center land-use category, as shown on the following maps.]

[As the Village of Estero approves its first comprehensive plan and land development code as required by law, the area comprising the Village Center area may change to, among other things, include other land in that vicinity that meets the goals and objectives of the Estero Community Plan.]

Special Treatment Areas – Mixed Use Overlay

[The Village will maintain the mixed-use overlay for land in Estero outside of the Village Center Area only, as shown on the following maps.]

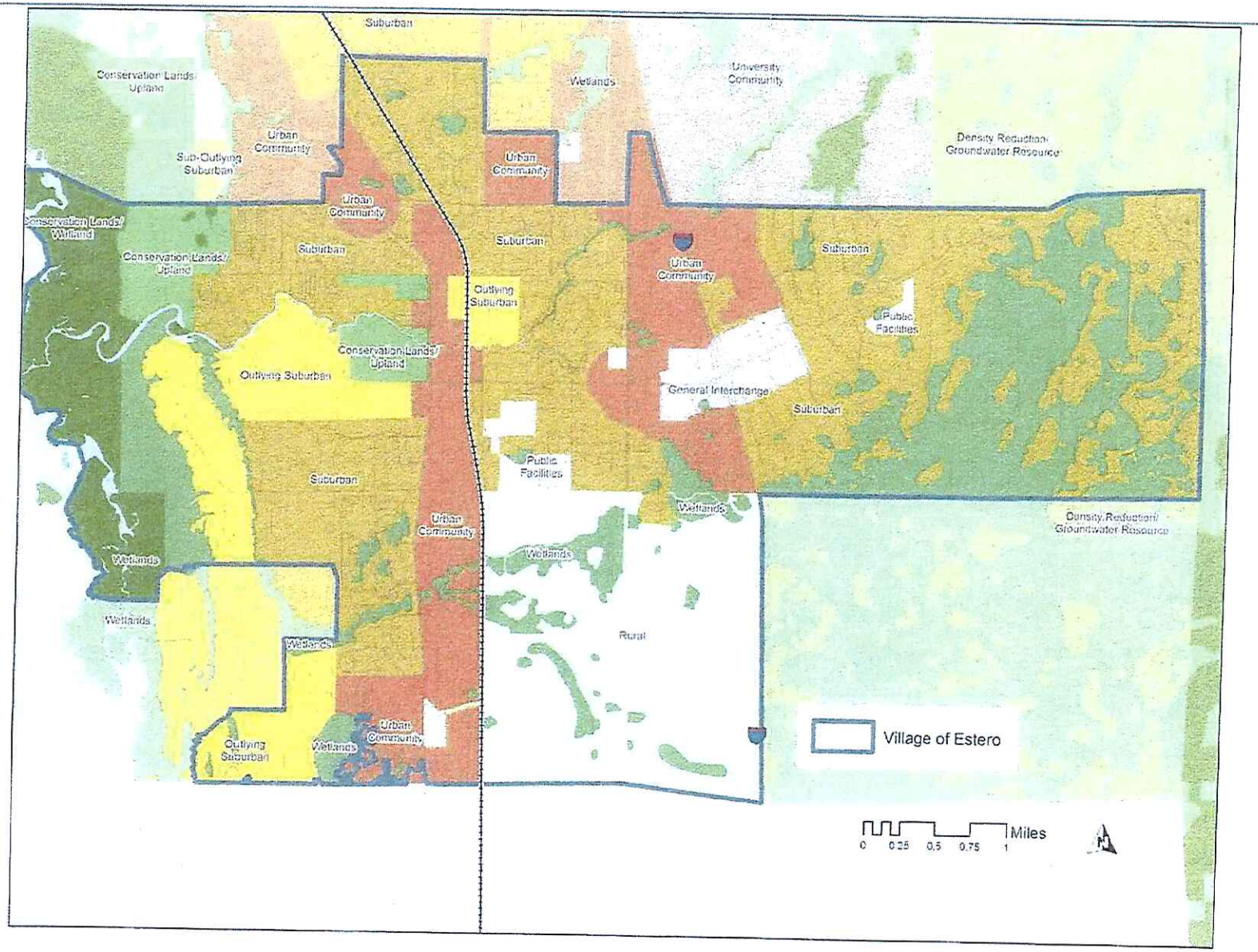
Table 1(a)
Summary of Residential Densities [1]

FUTURE LAND USE CATEGORY	STANDARD OR BASE DENSITY RANGE		BONUS DENSITY
	MINIMUM [2] (Dwelling Units per Gross Acre)	MAXIMUM (Dwelling Units per Gross Acre)	MAXIMUM TOTAL DENSITY [3] (Dwelling Units per Gross Acre)
Intensive Development	8	14	22
Central Urban	4	10	15
Village Center [14]	1	6	No Bonus [14]
Urban Community [4,5]	1	6	10
Suburban	1	6	No Bonus
Outlying Suburban	1	3	No Bonus
Sub-Outlying Suburban	1	2	No Bonus
Rural [10]	No Minimum	1	No Bonus
Outer Islands	No Minimum	1	No Bonus
Rural Community Preserve [6]	No Minimum	1	No Bonus
Open Lands [7]	No Minimum	1 du/5 acres	No Bonus
Density Reduction/Groundwater Resource	No Minimum	1 du/10 acres	No Bonus
Wetlands [8]	No Minimum	1 du/20 acres	No Bonus
New Community	1	6	No Bonus
University Community [9]	1	2.5	No Bonus
Destination Resort Mixed Use Water Dependent [11]	6	9.36	No Bonus
Burnt Store Marina Village [12]	No Minimum	160 Dwelling Units; 145 Hotel Units	No Bonus

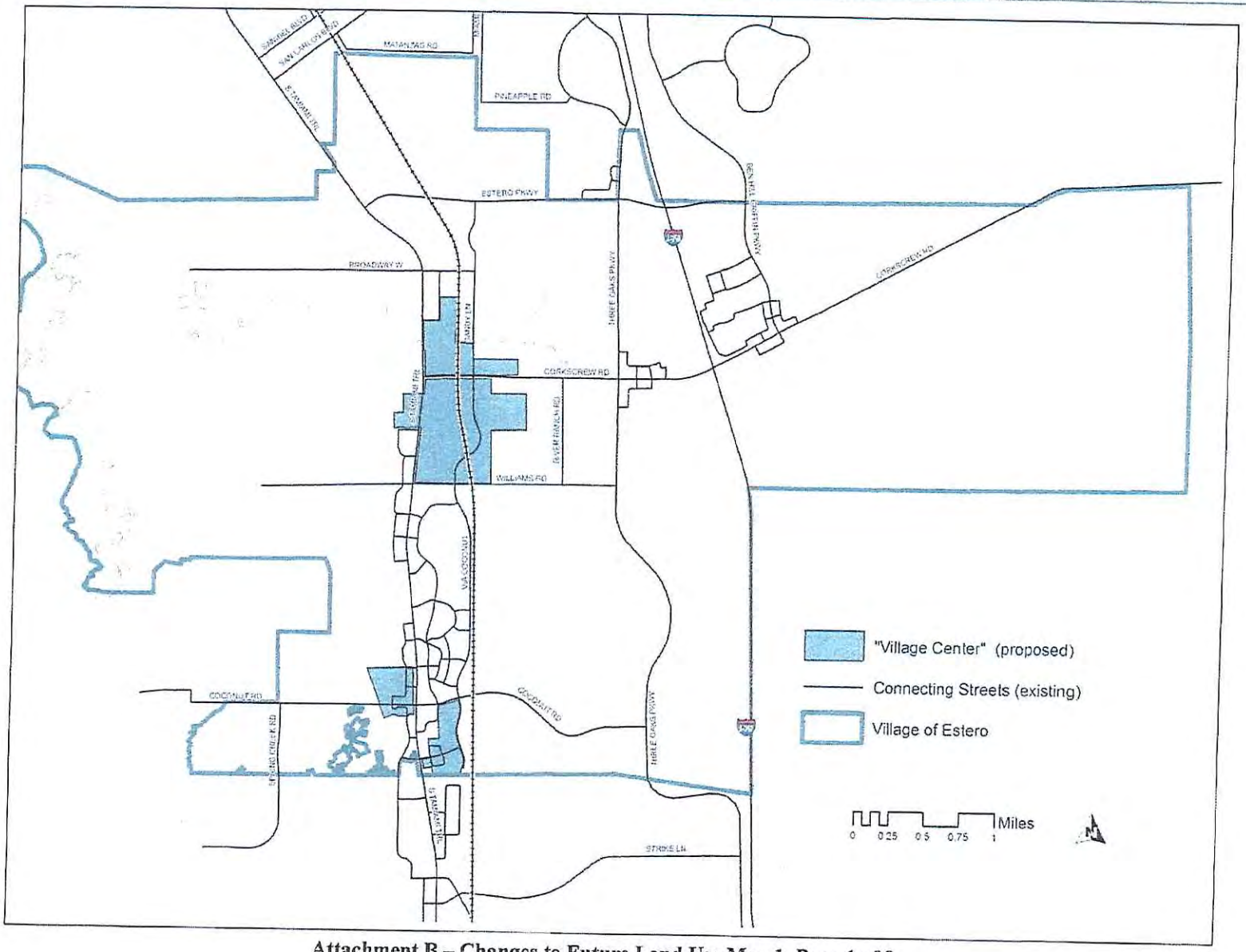
CLARIFICATIONS AND EXCEPTIONS

[1-13] *[no changes to footnotes 1 through 13]*

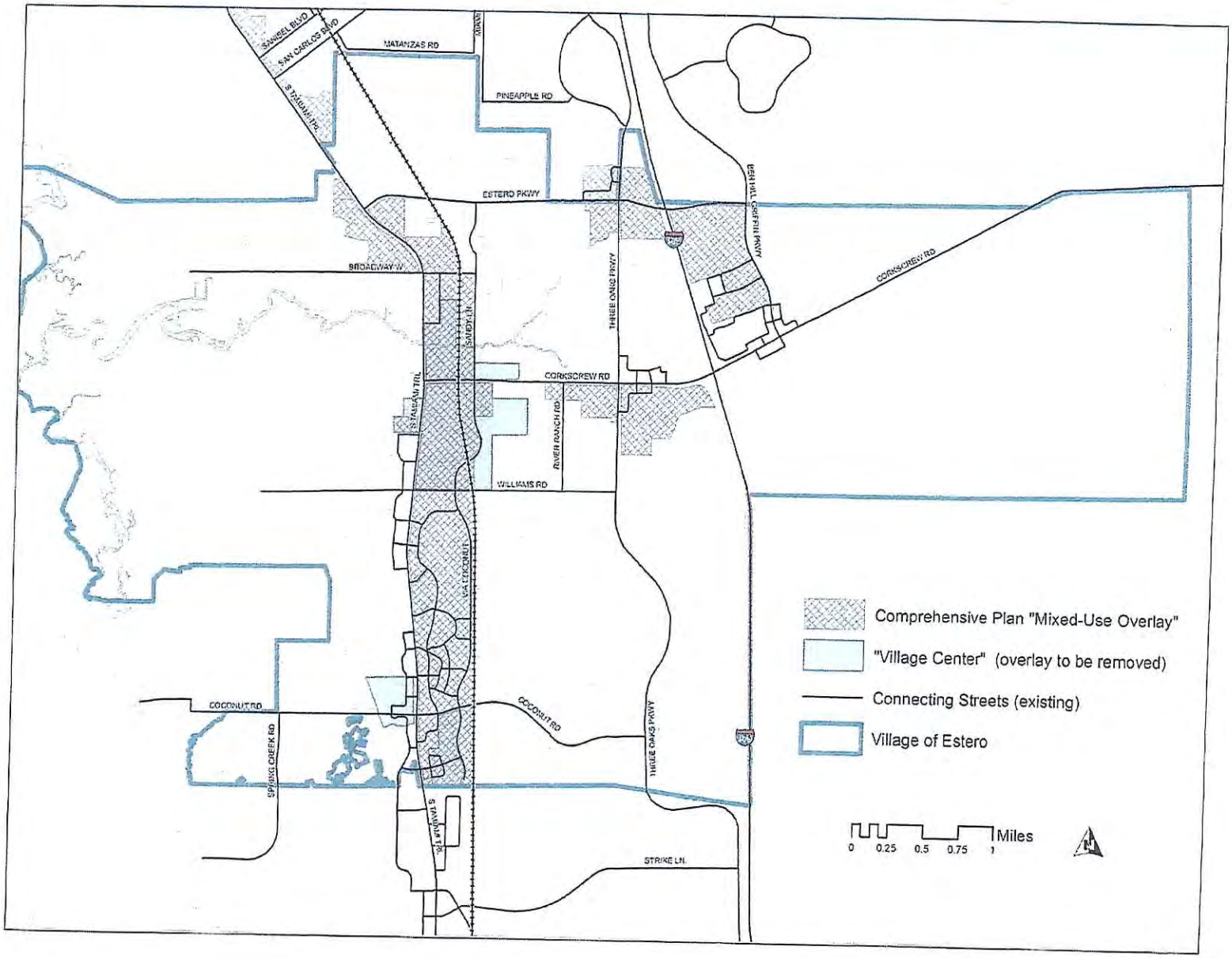
[14] See Objective 19.8 and subsequent policies for potential density increases that could be achieved through a new planned development zoning district for development that contributes to a walkable mixed-use environment.



Attachment A – Future Land Use Map 1, Page 1 of 8 (existing)



Attachment B – Changes to Future Land Use Map 1, Page 1 of 8
(showing area being changed to "Village Center ")



Attachment C – Future Land Use Map 1, Page 6 of 8Mixed-Use Overlay
(existing Mixed-Use Overlay plus "Village Center" area being removed from overlay)

ATTACHMENT G

Minutes from Estero Public Information Meeting at Planning and Zoning Board dated June 16, 2015

Stantec

Meeting Summary

Village of Estero Planning and Zoning Board –Public Information Workshop

Genova Comprehensive Plan Amendment (CPA2015-00004, Residential Planned Development Rezoning (DCI201500009), and Sales Center Administrative Amendment (ADD2015-00047)

Date/Time:	June 16, 2015 / 5:30pm
Place:	Estero Fire Rescue 21500 Three Oaks Parkway Estero, FL 33928
Attendees:	Estero: Planning and Zoning Board members, Mayor Batos, Vice Mayor Leviton, Village Attorney Burt Saunders, Community Development Director Mary Gibbs Applicant Team: Jim Wallace, John Svoboda, Kevin Wallace, Neale Montgomery, Josh Philpott, AICP, Steve Martin , PE Members of the Public

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The following narrative is intended to provide a summary of the meeting relating to the Genova Comprehensive Plan, RPD Rezoning, and Sales Center ADD applications. It does not include a full summary of other agenda items, and should not be considered as a record of the complete agenda for the above listed meeting.

The meeting convened at 5:30pm. The board conducted business as outlined on the agenda. The Genova project was item 7.B on the agenda.

Following the presentation from the applicant the item was opened for public input. During the Public Comment portion of the workshop several items were discussed. A summary of the items are listed below, followed by the response from the applicant, as appropriate.

1. *Is the Genova Sales Center permanent?*

The Sales Center is proposed to be constructed as a permanent building. It is proposed to be used as a Real Estate Sales Office during the permitting and construction of the Genova residential development. It will be removed prior to the construction of Building 6 of the residential development.

2. *Is the current agricultural operation moving from the subject property?*

Yes.

3. *Is the proposed sidewalk along Corkscrew Road outside of the community?*

Yes. The existing sidewalk is located in the Corkscrew right-of-way. The applicant is proposing to construct a publicly-accessible linear park along Corkscrew Road which will include a meandering sidewalk.

4. *Has the applicant reviewed the traffic impact from the development on Corkscrew Road?*

A Traffic Impact Study (TIS) has been submitted for the proposed development. The TIS shows the proposed development will not create any Level of Services failures for any roads. In fact, the

traffic generated by the proposed 205 dwelling units will be less than the traffic generated by the commercial development currently permitted on the property.

Additionally, the main access point for the proposed development will be from Via Coconut Point, thereby reducing the trips on Corkscrew Road. The proposed vehicular connection to Corkscrew Road will be a right-out egress point. This egress will help reduce the congestion at the intersection of Corkscrew Road and Via Coconut Point by allowing project trips to access Corkscrew Road directly.

5. *A member of the public voice concern regarding the 4-story "high-rise" buildings.*

The proposed development will comply with the permitted 45' height limitation, outlined in Land Development Code Section 33-229.

6. *If the lake was required to have 6:1 Bank Slopes, would the lake meet the minimum width required by the South Florida Water Management District?*

The South Florida Water Management District (SFWMD) requires lake to be a minimum of 100' wide to be used for water quality treatment. The lakes for the proposed development have been designed to meet the 100' minimum width, with a 4:1 lake slope. If the lake bank slopes were revised to a 6:1, the lake would be approximately 88' wide and would not meet the SFWMD requirements.

7. *What is the basis for selecting Intensive Development as the proposed land use category?*

The applicant touched on the topic briefly during the presentation. The proposed development is slightly above 12 dwelling units per acre. The only existing land use designation which allows for a standard density above 10 dwelling units per acre is Intensive Development.

The applicant met with Lee County in February 2015 to discuss the proposed land use applications. During the discussion regarding the Comprehensive Plan Amendment application, staff directed the applicant to use the Intensive Development future land use category, rather than drafting language for a new site specific category.

8. *Why does the Comprehensive Plan Application show a maximum permitted density of 372 dwelling units?*

The Comprehensive Plan application requires the applicant to calculate to maximum number of dwelling units which could be developed based on the permitted density ranges for the proposed land use category, including bonus density. The proposed Intensive Development land use category allows a maximum density of 22 dwelling units per acre. Based on the 16.92 acre property, a total of 372 dwelling units could be approved. However, the zoning application request is limited to a maximum of 205 dwelling units.

9. *Will the stormwater overflow into the lake in Estero Community Park?*

No. The stormwater management system is proposed to connect to an existing stormwater management system located adjacent to the southwest corner of the subject property. The system will not outfall to the lakes in Estero Community Park.

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COMMUNITY DEVELOPMENT

10. Is the 30% hardened shoreline sufficient for the project, or should it be expanded?

The proposed deviation to allow for a 30% hardened shoreline is sufficient for the proposed water management system.

Following the public discussion period, the board moved on to agenda item 7.C.

A copy of the meeting minutes will be forwarded as soon as they are available.

The foregoing is considered to be a true and accurate record of all items discussed. If any discrepancies or inconsistencies are noted, please contact the writer immediately.

Respectfully submitted,

Josh Philpott, AICP
Senior Planner
Phone: (239) 939-1020
Fax: (239) 939-3412
Josh.Philpott@stantec.com

Attachment: A. Meeting Agenda
B. Applicant Presentation

c. 28T

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COMMUNITY DEVELOPMENT
DCI2015-00009

PLANNING & ZONING BOARD
REGULAR MEETING
Agenda

Village Hall
21500 Three Oaks Parkway,
Estero, FL

REVISED

Tuesday, June 16, 2015
5:30 p.m.

Planning & Zoning Board Members: *Roger Strelow, Chair; Ryan Binkowski; David Crawford; Ned Dewhirst; Jeff Mass; Marlene Ann Naratil; Scotty Wood*

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1. ***CALL TO ORDER***

2. ***PLEDGE OF ALLEGIANCE***

3. ***ROLL CALL***

4. ***APPROVAL OF AGENDA***

5. ***BOARD BUSINESS***

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COMMUNITY DEVELOPMENT
DCI2015-00009

The public will have an opportunity to speak during each agenda item. Each individual has one opportunity to speak for three minutes per agenda item.

(A) Approval of May 19, 2015 Meeting Minutes

Attachment: May 19, 2015 minutes

6. ***ACTION ITEMS***

(A) Flood Hazard Reduction Amendments to Land Development Code

Ordinance No. 2015-08 Adopting Lee County Ordinance No. 15-09 Amending the Lee County Code of Ordinances in Effect in the Village of Estero, Pursuant to Section 12 (5)(A) of the Estero Charter Amending Lee County Land Development Code Chapters 6 and 10 and Certain Sections of the Florida Building Code to Authorize the Board of Adjustments and Appeals to Hear Certain Variance Requests from the Florida Building Code; Limit Building Permits Based on Affidavit; Amend the Definition of Substantial Improvement; Repeal and Replace Land Development Code Article IV Flood Hazard

Reduction (Secs. 6-401-6-476) in its Entirety, to Adopt Flood Hazard Maps, Designate a Floodplain Administrator, Adopt Procedures and Criteria for Development in Flood Hazard Areas, and for Other Purposes; Provide for Conflicts of Law, Severability, Codification and Scrivener's Errors, Modifications that may arise from Consideration at Public Hearing and Providing an Effective Date

Attachment: Ordinance No. 2015-08

7. ***PUBLIC INFORMATION MEETINGS***

(A) Timberland and Tiburon
- Amend Master Concept Plan to allow minor shifts to lakes and elimination of an internal roadway

Attachment: Application

(B) Genova
- Comprehensive Plan Amendment
- Rezoning
- Sales Center Administrative Amendment

Attachment: Application

(C) Estero Crossing
- Comprehensive Plan Amendment
- Rezoning

Attachment: Application

8. ***CONTINUED DISCUSSION OF DRAFT PROCEDURAL RULES***

9. ***PUBLIC INPUT OF NON-AGENDA ITEMS***

10. ***BOARD COMMUNICATIONS / FUTURE AGENDA ITEMS***

11. ***ADJOURN***

RECEIVED
JUL 16 2015
COMMUNITY DEVELOPMENT

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

ADA Assistance – Anyone needing special assistance at the Board meeting due to a disability or physical impairment, should contact Peter Lombardi, at 239-390-8000, 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.

Please Note: One or more members of the Village Council of the Village of Estero may be in attendance at this meeting.

RECEIVED
JUL 16 2015
COMMUNITY DEVELOPMENT
DCI2015-00009

ATTACHMENT H

Agricultural Affidavit

BONA FIDE AGRICULTURAL USE AT THE TIME OF ZONING APPLICATION AFFIDAVIT

WHEREAS, Section 34-202(b)(7), Village of Estero Land Development Code, requires property located in an agricultural zoning district at the time a zoning application is filed to include an existing agricultural use affidavit; and

WHEREAS, the affidavit, pursuant to the Land Development Code, must identify the property in question with specificity, and the affidavit must identify whether or not a bona fide agricultural use is in existence on the property at the time the application was filed.

STATE OF FLORIDA
COUNTY OF LEE

BEFORE ME, the undersigned notary public on this 27th day of MAY, 2015, personally appeared James "Jim" Wallace, Managing Partner of Genova Partners, LLC, who is personally known to me or who produced a Drivers License as identification and who, after first being duly sworn, deposes and says that:

1. The property that is subject of the zoning application is described more completely on the attached Exhibit "A".
2. That I am the authorized representative of the Limited Liability Company that owns the property described in Exhibit "A".
3. The property in question is zoned AG-2 and CPD. Section 34-202(b)(7) does not require an agricultural affidavit for property that is not located in an agricultural district at the time of zoning.
4. The property is currently in an agricultural use and the use is a legal non-conforming use on the CPD portion of the property.
5. The agricultural use of the subject property is row crops.
6. The row crops are occurring within the area identified on the attached Exhibit "B".
7. The affiant intends to continue the existing agricultural activity subsequent to the rezoning.

DCI2015-00009

FURTHER AFFIANT SAYETH NAUGHT.

EXHIBIT B

GENOVA PARTNERS, LLC

By: _____
Name: James "Jim" Wallace
Title: Managing Partner

SWORN TO and subscribed before me on the date and year first above written.

(Notary Seal)

KATHLEEN A. PETERS
MY COMMISSION # FF 180270
EXPIRES: January 14, 2019
Bonded Thru Notary Public Underwriters

Kathleen A. Peters
Signature of Notary Public

Kathleen A. Peters
(Print, type of stamp commissioned name of Notary Public)

Commission No.# FF 180270

ATTACHMENT I

Zoning Resolution Z-00-055

ACLO

RESOLUTION NUMBER Z-00-055

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

WHEREAS, an application was filed by the property owner, Stephanie Miller, Trustee, to rezone a 4.84± acre parcel from Agricultural (AG-2) to Commercial Planned Development (CPD), in reference to Corkscrew Road Square; and

WHEREAS, a public hearing was advertised and held on August 9, 2000, but then continued to August 29, 2000, then to September 14, 2000, and then finally to September 15, 2000, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI964585 (f/k/a 99-11-037.02Z 01.01); and

WHEREAS, a second public hearing was advertised and held on December 4, 2000 before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST

The applicant filed a request to rezone a 4.84± acre parcel from AG-2 to CPD to allow a mixed use retail/professional office development consisting of a maximum of 47,800 square feet of gross floor area. Buildings will not exceed 35 feet in height, except the height may be increased to 45 feet for a hotel/motel use. Uses requested include, but are not limited to, Assisted Living Facility (not exceeding 145 units) banks, clubs, fire station, hotel/motel (not exceeding 58 rooms), medical and professional offices, restaurants, specialty retail shops, vehicle and equipment dealers, and mini-warehouse uses. The property is located in the Suburban Land Use Category and legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

1. The development of this project must be consistent with the one-page Master Concept Plan (MCP) entitled "Corkscrew Road Square," prepared by Pokorny & Kareh, Inc., dated June 4, 1999, last revised 08/07/00, stamped "Received Aug 8 2000," except as modified by the conditions below.

ATTACHMENT B

The development is limited to a maximum total floor area of 47,800 square feet consisting of the retail establishments approved in the Schedule of Uses as set forth in Condition 2. All uses subject to retail site location standards may only be located in Phase I. (SEE ALSO CONDITION 12.) All other uses contained in the Schedule of Uses in Condition 2 may be located in either Phase I, II or III, consistent with Development Options #1, #2 or #4 as shown on the MCP (upper left hand corner). Option #3 has been withdrawn by the applicant.

This development must comply with all requirements of the LDC at time of local planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

2. The following Schedule of Uses replaces the Schedule of Proposed Uses on the approved MCP:

PHASES I, II & III (Listed uses are allowed in all phases unless otherwise indicated.)

ACCESSORY USES AND STRUCTURES (LDC §§ 34-1171 *et seq.*, 34-2441 *et seq.*, 34-1863, and 34-2141 *et seq.*)
ADMINISTRATIVE OFFICES
ASSISTED LIVING FACILITY (LDC §§ 34-1491 *et seq.* and 34-1411)
(limited to a maximum of 116 units)
(not to exceed the density equivalency for the use as contained in LDC Chapter 34)
ATM (automatic teller machine)
BANKS AND FINANCIAL ESTABLISHMENTS [LDC § 34-622(c)(3)]: Groups I & II
(without drive-thru facilities)
BROADCAST STUDIO, COMMERCIAL RADIO AND TELEVISION
(LDC § 34-1441 *et seq.*) [Not to include Communication Tower(s).]
BUSINESS SERVICES [LDC § 34-622(c)(5)]: Group I
DAY CARE CENTER, CHILD, ADULT (Phases II or III only)
ESSENTIAL SERVICES (LDC §§ 34-1611 *et seq.*, and 34-1741 *et seq.*)
ESSENTIAL SERVICE FACILITIES [LDC § 34-622(c)(13)]: Group I
(LDC §§ 34-1611 *et seq.*, 34-1741 *et seq.*, and 34-2141 *et seq.*)
EXCAVATION: Water retention (LDC § 34-1651)
FENCES, WALLS (LDC § 34-1741)
GIFT AND SOUVENIR SHOP (no outdoor display)
HARDWARE STORE (not to exceed 5,000 square feet)
HEALTH CARE FACILITIES [(LDC § 34-622(c)(20)]: Groups I, II, III, & IV
(not to exceed the density equivalency for the use as contained in LDC Chapter 34)
HOBBY, TOY AND GAME SHOPS [LDC § 34-622(c)(21)]
INSURANCE COMPANIES [LDC § 34-622(c)(23)]
LAUNDRY OR DRY CLEANING [LDC § 34-622(c)(24)]: Group I
MEDICAL OFFICE
PARKING LOT:
Accessory
PERSONAL SERVICES [LDC § 34-622(c)(33)]: Group I

PHARMACY (not to exceed 5,000 square feet)
PLACE OF WORSHIP (LDC § 34-2051 *et seq.*)
REAL ESTATE SALES OFFICE (LDC §§ 34-1951, *et seq.*, and 34-3021)
RESTAURANTS [LDC § 34-622(c)(43)]: Groups I and II only (without drive-through facilities)
SCHOOLS:
Commercial [LDC § 34-622(c)(45)] (LDC § 34-2381)
Noncommercial (LDC § 34-2381)
SIGNS in accordance with Chapter 30 (Pylon signs are prohibited.)
SPECIALTY RETAIL SHOPS [LDC § 34-622(c)(47)]: Groups I & II
STUDIOS [LDC § 34-622(c)(49)]
VARIETY STORE (not to exceed 5,000 square feet)

3. Site Development Regulations

Minimum Lot Area and Dimensions:

Area:	20,000 square feet
Width:	100 feet
Depth:	100 feet

Minimum Setbacks:

Street:	variable according to the functional classification of the street or road (LDC § 34-2191 *et seq.*)
Side:	15 feet
Rear:	25 feet
Water Body:	25 feet

Accessory Use and Structure setbacks must comply with LDC §§ 34-1171 *et seq.* and 34-2194.

Maximum Height: 35 feet

Maximum Lot Coverage: 40 percent

4. Prior to local development order approval, open space areas must be designed to preserve as many existing native trees as possible. Sabal palms with a minimum 8-foot clear trunk must be preserved in place or relocated to open space areas to the maximum extent possible. Sabal palms preserved in place will receive three tree credits. Any relocated sabal palms will receive two tree credits.

5. The gopher tortoise management plan entitled "Protected Species Management Plan - Corkscrew 5.1 Acre Property," dated July 13, 1999, revised December 28, 1999, prepared by Boylan Environmental Consultants, is hereby adopted.

6. All material excavated as part of the use of Excavation, water retention must remain on-site. No excavated material may be permitted to be removed from the site as part of this planned development.

7. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.

8. The MCP indicates the 60-foot-wide right-of-way road (Erika Lane), along the western boundary of the subject property, is planned to be constructed to County standards as a "Public local road." There is no guarantee, as part of this zoning approval, that the County will accept maintenance of a local road as depicted on the MCP.

9. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b).

10. Development of the commercial buildings on this site must be substantially consistent with the architectural rendering labeled "Corkscrew Road Square," prepared by Erika Partnership, dated 11/09/99, also labeled "Hearing Examiner's Exhibit #B," and attached to this zoning resolution as Exhibit D.

11. The Phase I building must be oriented toward Corkscrew Road, OR the architectural theme and design of the front facade must be carried over to the north "end" of that building. If the developer chooses not to re-orient the building, he must install a minimum 3-foot-high berm along the Corkscrew Road frontage, and along Erika Lane from the corner of Corkscrew Road and Erika Lane to the first driveway into the subject property. The berm must also contain the enhanced plantings described on the MCP, including canopy type trees, or be consistent with any enhanced buffering established in the Estero Community Plan, whichever is more restrictive. The purpose of the increased berm height is to shield the development's parking lot from view of the drivers on Corkscrew Road, which would be accomplished if the building was reoriented to the frontage of the parcel.

12. Erika Lane, the proposed local road adjacent to the western perimeter of the subject property, must be constructed to Lee County local road standards set out in Chapter 10 of the LDC from the north to the south boundary line, before the developer is eligible to develop any of the uses set out herein that must meet commercial site location standards. Development of uses required to meet site location standards shall not exceed 10,000 square feet, SUBJECT TO additional limitations in size on certain retail uses set out in the Schedule of Uses in Condition 2.

13. Pylon signs are prohibited on the subject property.

14. The applicant agrees that, if the development area for this project is ever increased in size, every effort will be made to interconnect the various parking lots to minimize and/or reduce the number of access points along Corkscrew Road and Erika Lane.

SECTION C. DEVIATIONS:

1. Deviation (1) - WITHDRAWN AT HEARING.

SECTION D. EXHIBITS:

The following exhibits are attached to this resolution and incorporated by reference:

Exhibit A: The legal description and STRAP number of the property.
Exhibit B: Zoning Map (subject parcel identified with shading)
Exhibit C: The Master Concept Plan
Exhibit D: Architectural Rendering - Corkscrew Road Square

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.

2. The rezoning, as approved:

   a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request; and,

   b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,

   c. is compatible with existing or planned uses in the surrounding area; and,

   d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,

   e. will not adversely affect environmentally critical areas or natural resources.

3. The rezoning satisfies the following criteria:

   a. the proposed use or mix of uses is appropriate at the subject location; and

   b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and

   c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.

4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

5. The Schedule of Uses for this project contains uses uniquely tailored to a local neighborhood oriented development. The smaller size of the project site, in conjunction with the limited amount and types of retail uses, make the CPD well suited to serve the residents along the Corkscrew Road corridor.

The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner Coy, seconded by Commissioner Judah and, upon being put to a vote, the result was as follows:

Robert P. Janes	Nay
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Andrew W. Coy	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 4th day of December, 2000.

ATTEST:
CHARLIE GREEN, CLERK

BY: Ruth Frymier
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: [signature]
Chairman

Approved as to form by:

[signature]
County Attorney's Office

RECEIVED
DEC 13 2000
MINUTES OFFICE

EXHIBIT "A"

Bean, Whitaker, Lutz & Barnes, Inc.

CONSULTING ENGINEERS AND SURVEYORS

13041 McGREGOR BOULEVARD, SUITE 1
FORT MYERS, FLORIDA 33919-5910
E-Mail - FMOFFICE@BWLB.COM
(941) 481-1331
FAX (941) 481-1073

BWLB

N

Description of a Parcel of Land
Lying in
Section 34, Township 46 South, Range 25 East
Lee County, Florida
(Miller Parcel - Zoning Description)

A parcel of land situated in the State of Florida, County of Lee, being a part of Section 34, Township 46 South, Range 25 East and further described as follows:

Commencing at a spike in a disc marking the intersection of the centerline of Corkscrew Road (50 feet wide) and the west line of Section 34, said point lying approximately 46.5 feet south of the northwest corner of the Southwest One Quarter (SW 1/4) of the Northwest One Quarter (NW 1/4) of said Section 34; thence S89°11'00"E along said centerline for 497.25 feet; thence S00°00'45"W for 40.00 feet to the southerly line of Florida Department of Transportation Taking Parcel 121 (Section 12640-2601) and the Point of Beginning; thence S89°11'00"E along said southerly line for 165.74 feet; thence S00°01'30"W for 571.64 feet; thence N88°49'07"W for 4.80 feet; thence S00°03'00"W for 268.32 feet; thence N88°52'30"W for 326.43 feet; thence N00°00'45"E for 268.65 feet to the beginning of a curve to the right having a radius of 214.94 feet; thence northeasterly along said curve through a central angle of 45°26'23" for 170.46 feet; thence N45°27'08"E (N45°27'18"E - Deed) for 52.61 feet to the beginning of a curve to the left having a radius of 214.94 feet; thence northeasterly along said curve through a central angle of 45°26'23" for 170.46 feet; thence N00°00'45"E for 224.00 feet to the Point of Beginning.

Applicant's Legal Checked by

Containing 4.84 acres, more or less (inclusive of right-of-way easement).

Bearings are based on the west line of the Northwest One Quarter (NW 1/4) of Section 34 as bearing N00°00'00"E.

Bean, Whitaker, Lutz & Barnes, Inc.

DCI 964585

31380DESC1 5/24/99

Scott C. Whitaker, P.S.M. 4324

The applicant has indicated that the STRAP number for the subject property is:
34-46-25-00-00005.0010 & 34-46-25-01-0000C.035A

CASE NO:DCI964585 (99-11-037.02Z 01.01)

ZONING MAP

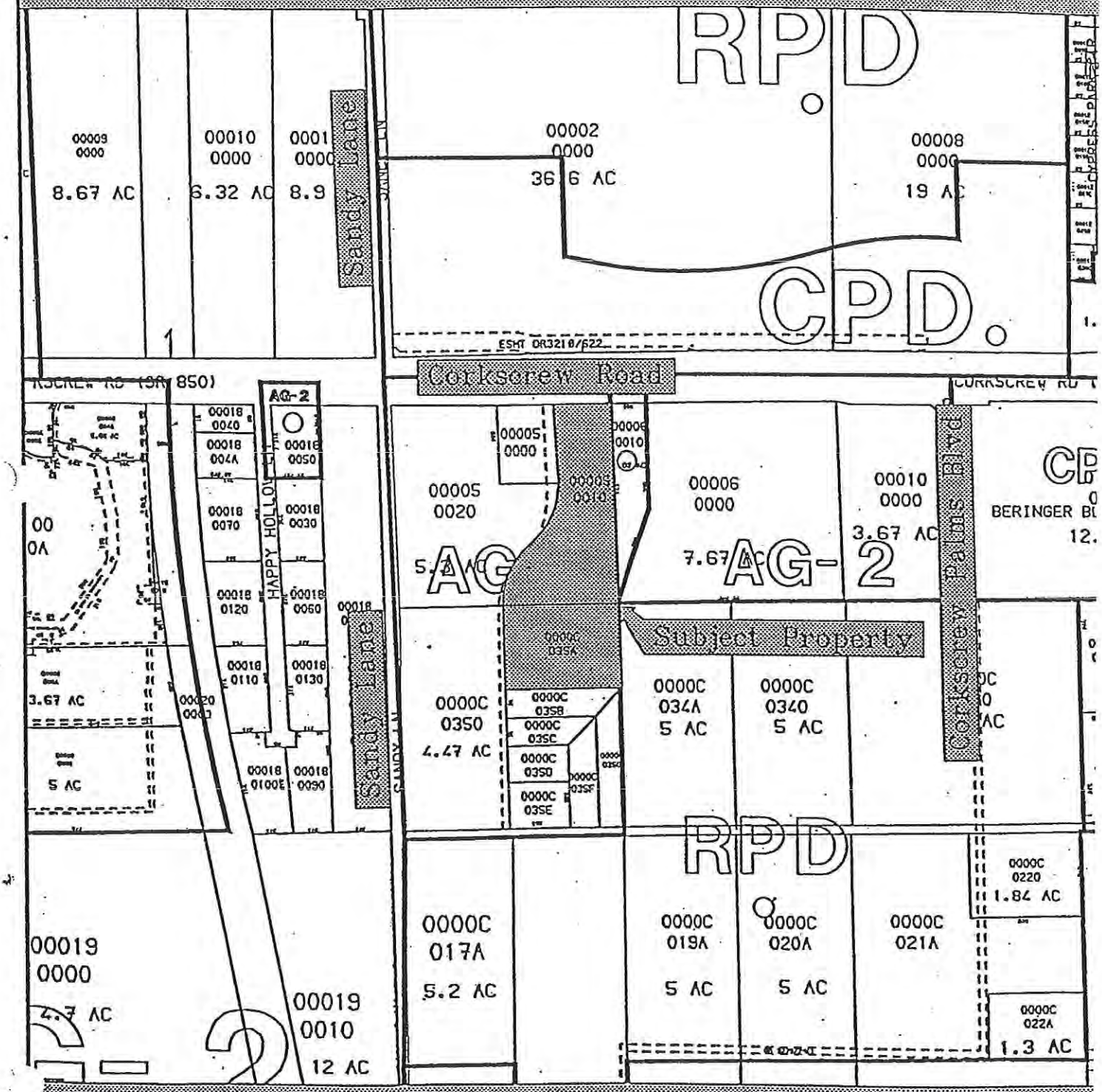


EXHIBIT "B"

DEVELOPMENT OPTIONS:

OPTION #1	OPTION #2
RETAIL 11,800 S.F. GENERAL OFFICES 34,000 S.F.	RETAIL 11,800 S.F. + MEDICAL OFFICES 24,000 S.F.
OPTION #3	**OPTION #4**
RETAIL 11,800 S.F. HOTEL / MOTEL 34 UNITS	RETAIL 11,800 S.F. ASSISTED LIVING FACILITY 116 UNITS

* GENERAL OFFICES CAN BE CONVERTED TO MEDICAL OFFICES AT THE RATE OF 1.0 / 0.67

GRAPHIC SCALE IN FEET

SPECIAL NOTE:
THIS STYLE OF TEXT REPRESENTS EXISTING FEATURES
THIS STYLE OF TEXT REPRESENTS PROPOSED FEATURES

GENERAL NOTES:

1. THE REQUESTED ZONING IS COMMERCIAL PLANNED DEVELOPMENT (CPD).
2. THE REQUESTED MAXIMUM SQUARE FOOTAGE IS 47,800 SQUARE FEET OF GROSS LEASABLE FLOOR AREA FOR RETAIL / OFFICE USE. 11,800 SQUARE FEET FOR RETAIL ESTABLISHMENTS, 36,000 SQUARE FEET FOR OFFICES, EXCLUDING MEDICAL. (SEE DEVELOPMENT OPTIONS THIS SHEET).
3. MAXIMUM BUILDING HEIGHT IS 35 FEET ABOVE AVERAGE ELEVATION OF ADJUTING STREETS.
4. PROPOSED USES: SEE SCHEDULE OF PROPOSED USES.
5. NO VARIANCES, SPECIAL EXCEPTIONS, OR SPECIAL PERMITS ARE BEING REQUESTED.
6. BOUNDARY INFORMATION IS TAKEN FROM A SURVEY PERFORMED BY DEAN, WHITAKER, LUTZ & BARNES, INC., DATED MAY 24, 1999.
7. THE PROJECT FALLS WITHIN NO SPECIAL FLOOD HAZARD AREAS ACCORDING TO F.I.R.M. 120124 0475 B, PANEL NOT PRINTED.
8. TOTAL AREA = 4.84 ACRES.
   OPEN SPACE REQUIRED = 30% OF TOTAL AREA = 1.45 ACRES.
   OPEN SPACE PROVIDED = MINIMUM OF 1.45 ACRES.
9. DEVELOPMENT IS LOCATED IN THE ESTERO FIRE PROTECTION AND RESCUE SERVICE DISTRICT, 20241 SOUTH TAMIAMI TRAIL, ESTERO, FLORIDA.
10. STORMWATER MANAGEMENT WILL BE HANDLED BY ON-SITE DRY DETENTION FACILITIES.
11. COASTAL SETBACK LINES DO NOT APPLY TO THIS PARCEL.
12. THERE ARE NO EXISTING BUILDINGS OR STRUCTURES ON THIS PARCEL.
13. UTILITIES:
    WATER: GULF ENVIRONMENTAL SERVICES, INC., 19910 SOUTH TAMIAMI TRAIL, ESTERO, FLORIDA.
    SEWER: GULF ENVIRONMENTAL SERVICES, INC., 19910 SOUTH TAMIAMI TRAIL, ESTERO, FLORIDA.
    ELECTRIC: FLORIDA POWER AND LIGHT COMPANY, 15634 WINKLER ROAD, FORT MYERS, FLORIDA.
    TELEPHONE: SPRINT, 2520 CARGO STREET, FORT MYERS, FLORIDA.
    REFUSE COLLECTION: GULF DISPOSAL, INC., 11980 S.R. 82 EAST, FORT MYERS, FLORIDA.
14. THERE WILL BE NO POTENTIAL IMPACT ON GROUND AND SURFACE WATERS.
15. THERE ARE NO APPARENT FLOWING WELLS ON THE PARCEL.
16. ACCELERATION, DECELERATION AND LEFT TURN LANES (IF REQUIRED) WILL BE DESIGNED IN ACCORDANCE WITH LEE COUNTY DEPARTMENT OF TRANSPORTATION REQUIREMENTS AND WILL BE CONSTRUCTED BY THE DEVELOPER.
17. SITE SOIL CLASSIFICATION: SOIL 28, MANDALAY SAND, (USDCS, SOIL SURVEY OF LEE COUNTY, FLORIDA).
18. THE PROPERTY DOES LIE WITHIN AN ARCHAEOLOGICAL SENSITIVITY ZONE.
19. NO LEE TRAN ROUTE ADJACENT TO THIS PROPERTY.
20. FOR INFORMATION ON THE NATURAL VEGETATION, SEE THE REPORT PREPARED BY BOYLAN ENVIRONMENTAL CONSULTANTS, INC.

PARKING CALCULATIONS:

RETAIL OR BUSINESS ESTABLISHMENTS, FREE STANDING: SMALL PRODUCTS OR COMMODITIES
PER LEE COUNTY LAND DEVELOPMENT CODE, ZONING, CHAPTER 34, ARTICLE VII, DIVISION 26, SECTION 34-2020.2.a.3.

1 SPACE PER 200 S.F. OF TOTAL FLOOR AREA
1 = 8,200.00 / 200 = 41 SPACES

1 SPACE PER 800 S.F. OF TOTAL FLOOR AREA (DEAD STORAGE)
1 = 3,200.00 / 800 = 8 SPACES

OFFICES, EXCLUDING MEDICAL:
PER LEE COUNTY LAND DEVELOPMENT CODE, ZONING, CHAPTER 34, ARTICLE VII, DIVISION 26, SECTION 34-2020.2.j.

1 SPACE PER 300 S.F. OF TOTAL FLOOR AREA
1 = 36,000.00 / 300 = 120 SPACES

TOTAL PARKING SPACES REQUIRED = 167
TOTAL PARKING SPACES PROVIDED = 167

TOTAL H.C. PARKING SPACES REQUIRED = 6
TOTAL H.C. PARKING SPACES PROVIDED = 6

THE PARKING LOT IS FOR THE MUTUAL USE OF ALL BUILDINGS.

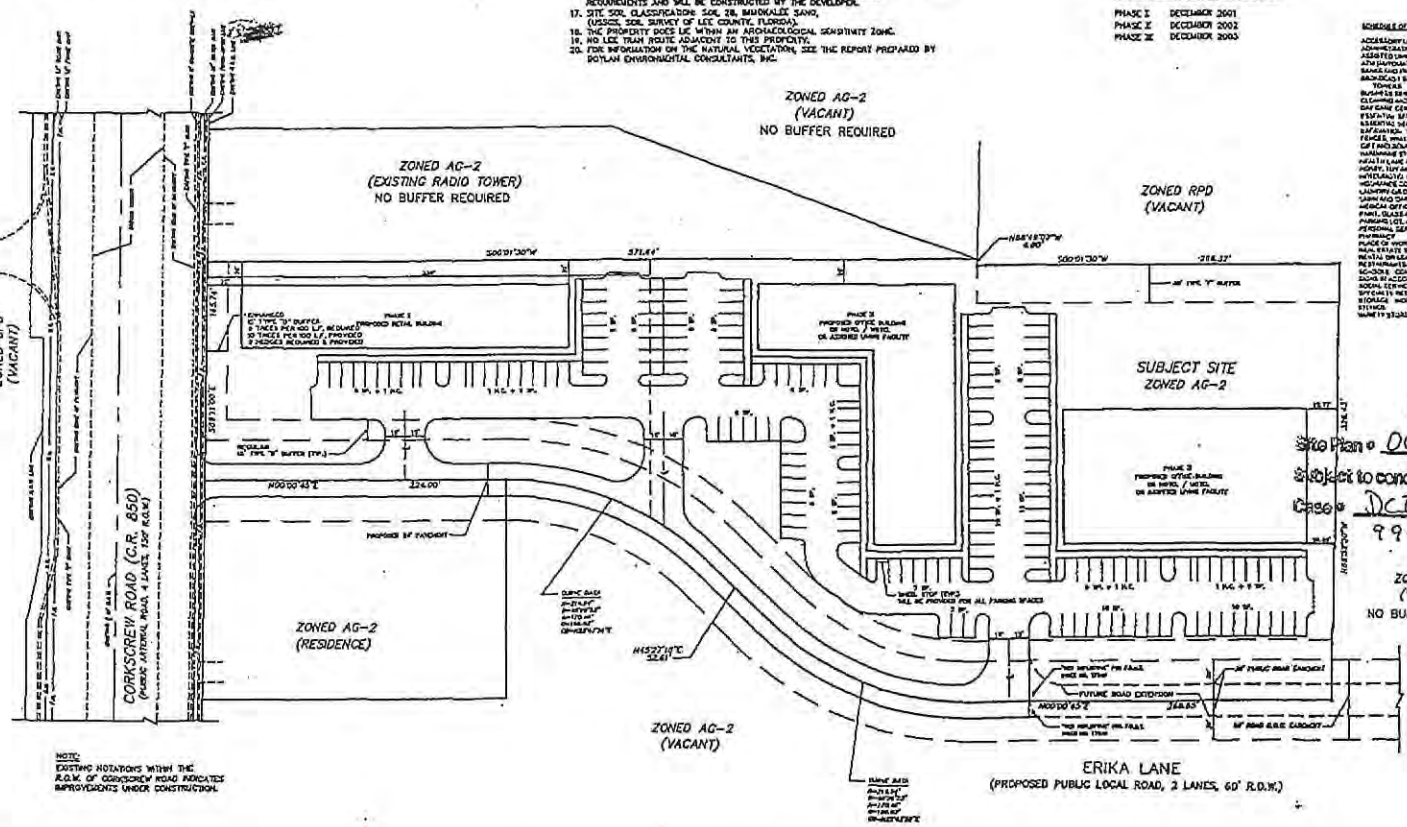
SCHEDULE OF CONSTRUCTION:

PHASE I	DECEMBER 2001
PHASE II	DECEMBER 2002
PHASE III	DECEMBER 2003

SCHEDULE OF PROPOSED USES:

ACCESSORY USES AND STRUCTURES
ADMINISTRATIVE OFFICES
ASSISTED LIVING FACILITY (116 ROOMS)
ATM (AUTOMATIC TELLER MACHINE)
BANK AND FINANCIAL ESTABLISHMENTS GROUP I, GROUP II, WITHOUT DRIVE-THRU FACILITIES
BUSINESS SERVICES GROUP I
CLEANING AND WASHING SERVICE
DAY CARE CENTER, CHILD ADULT
ESTATE SERVICE
ESSENTIAL SERVICE FACILITIES GROUP I
FENCE WALL
GIFT AND SOUVENIR SHOP
HARDWARE STORE
HEALTH CARE FACILITIES GROUP I, GROUP II, GROUP III, GROUP IV
HOBBY, TOY AND GAME SHOPS
INSTRUCTIONAL USE FACILITY
INSURANCE COMPANIES
LAUNDRY OR DRY CLEANING GROUP I
LAWN AND GARDEN SUPPLY STORES
MEDICAL OFFICE
PAINT, GLASS AND WALLPAPER
PARKING LOT, ACCESSORY
PERSONAL SERVICES GROUP I, GROUP II
PHOTOGRAPHER
PLACE OF WORSHIP
REAL ESTATE SALES OFFICE
RENTAL OR LEASING ESTABLISHMENT, GROUP II
RESTAURANTS, GROUP II, WITHOUT DRIVE-THRU FACILITIES
SCHOOL, COMMERCIAL OR MECHANICAL
SIGNS IN ACCORDANCE WITH CHAPTER 30
SOCIAL SERVICES GROUP I
SPECIALTY RETAIL SHOPS GROUP I, GROUP II
STORAGE, INDOOR ONLY
STUDIO
WAREHOUSE

LOCATION SKETCH
N.T.S.



APPROVED
Master Concept Plan
Site Plan # 00-055 Page 1 of 1
Subject to conditions in Resolution Z-00-055
Case # DCI96-4585 PRA
99-11-037.02Z01.01

NOTE:
EXISTING NOTATIONS WITHIN THE R.O.W. OF CORKSCREW ROAD INDICATES IMPROVEMENTS UNDER CONSTRUCTION.

EXHIBIT "C"
MASTER CONCEPT PLAN

DUNA LANE PARTNERSHIP, C/O LIC. STEPHANIE WILLER, MANAGING PARTNER
C/O BULOT REAL ESTATE BY STEPHANIE WILLER, INC.
9171 CYPRESS LAKE DRIVE, SUITE 17, FORT MYERS, FLORIDA 33918

CORKSCREW ROAD SQUARE

SECTION 34, T 46S, R 25E, LEE COUNTY, FLORIDA

ARNOLD N. KAREH, P.E.
FLORIDA REG. NO. 43374
DATE: AUG 08 2001

POKORNY & KAREH, INC.
5242 COLONIAL BLVD., SUITE 34, FT. MYERS, FL 33907 (941) 936-2666

DRAFTING BY:	E.D. YONK
SCALE:	1" = 40'
DESIGNED BY:	A.K. KAREH
DATE:	JUNE 4, 1999
APPROVED BY:	A.K. KAREH
PROJECT NUMBER:	99-18

REVISIONS FOR OWNER & LEE COUNTY REVIEWERS = 07/07/2000
REVISIONS FOR OWNER & LEE COUNTY REVIEWERS = 07/31/2000
REVISIONS FOR LEE COUNTY DEVT. REVIEWERS = 07/31/2000

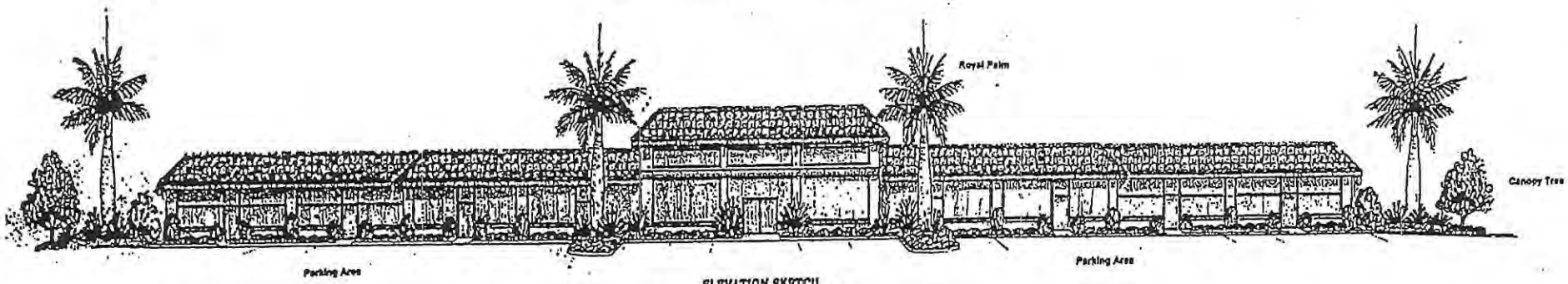
STATUS

MASTER CONCEPT PLAN

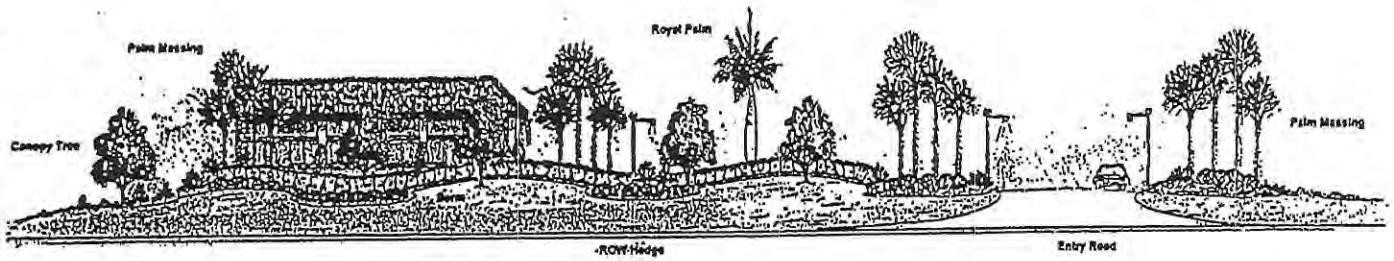
SHEET 1 OF 1

Corkscrew Road Square

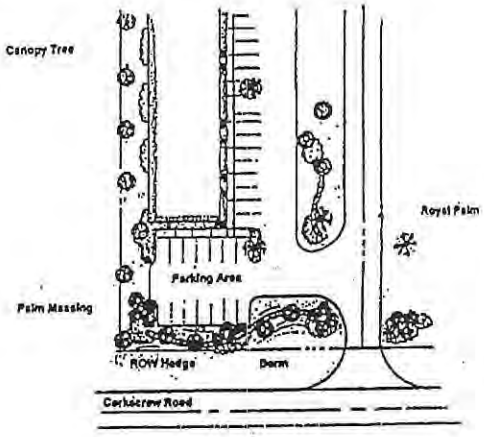
Lee County Florida



ELEVATION SKETCH
VIEW OF TYPICAL COMMERCIAL BUILDING



ELEVATION SKETCH
VIEW SOUTH FROM CORKSCREW ROAD



PLAN VIEW
LANDSCAPE LAYOUT

Corkscrew Road Square

PROPOSED COMMERCIAL DEVELOPMENT
SECTION 34, T 46S, R 25 E, LEE COUNTY, FL
PREPARED FOR: ERIKA PARTNERSHIP,
FORT MYERS, FL, 33919

NOT TO SCALE, GRAPHIC REPRESENTATION,
SUBJECT TO CHANGE
DATE: 11/10/99

This is a graphic representation and is subject to change without notice

Exhibit D

Hearing Examiner

ATTACHMENT J

Lee County Environmental Comments

MEMORANDUM
FROM
DEPARTMENT OF COMMUNITY DEVELOPMENT
DEVELOPMENT SERVICES SECTION

Date: **January 14, 2016**

To: **Alvin 'Chip' Block, Principal Planner**

From: **Aaron Martin, Environmental Planner**
Phone: (239) 533-8522
E-mail: amartin@leegov.com

Project: **Genova RPD**
Case: **DCI2015-00009**
STRAP: **34-46-25-E1-0100C.035C & others**

The Development Services staff has reviewed the proposed DCI2015-00009 as it pertains to landscaping, open space, and protected species for the rezoning of the parcels from Agricultural (AG-2) and Community Planned Development (CPD) to Residential Planned Development (RPD) and offers the following analysis as a recommendation to the Village of Estero:

VEGETATION:
The existing site is disturbed and over the years has been used for agricultural purposes. It currently has an agricultural exemption (affidavit provided by applicant). The Florida Land Use and Cover Classification (FLUCCS) for the subject parcel are FLUCCS 214 Disturbed Land/Row Crops, FLUCCS 201 Storage Area, FLUCCS 202 Farmers Market, and FLUCCS 260 Open Land. County Staff did a site inspection to verify the FLUCCS on June 11, 2015.

PROTECTED SPECIES:
A protected species survey was conducted by Stantec in February of 2015. The survey revealed no protected species on site.

OPEN SPACE:
Per Land Development Code (LDC) 10-415, Residential Planned Developments (RPD) must provide 40% open space. The Master Concept Plan (MCP) provides the breakdown of open space required and provided, and demonstrates the site provides 40% open space. The applicant has requested a deviation from LDC 10-415 to allow the site to provide 35% open space. The applicant's justification states that the MCP demonstrates 40% but at time of development order

ATTACHMENT F

review and design they would like flexibility should the urban design subtract some open space areas. Lee County Development Services staff finds the MCP to be sufficient with the LDC with regards to open space and defers to Estero council on the deviation request.

INDIGENOUS PRESERVATION:
The FLUCCS shows that the site does not contain indigenous open space.

BUFFERS:
The buffers will comply with the Estero Planning Community landscaping buffers per LDC 33-351. However, a portion of the property is designed to have a more urban design which requires deviations from the LDC. The first deviation is from LDC 33-351 which requires a 20' wide type D buffer along Via Coconut Road, to allow a 10' buffer adjacent to buildings 3 and 5. This is due to the more urban design and the placement of liner buildings along Via Coconut Road. The planting requirements of this buffer will still be able to be met. The second deviation is from LDC 34-1743 which requires perimeter fences be setback a minimum 7.5' from the right of way, to allow a setback of 3.5' for a portion abutting building 3. This is due to a jog in the property line for a possible future expansion of Via Coconut Road. The 3.5' setback only runs for a small portion of the ROW and will allow for space to place shrubs on the exterior side of the fence for softening. Lee County Development Services staff finds the MCP to be sufficient with the LDC with regards to buffer and defers to Estero council on the deviation request.

ATTACHMENT K

Lee County Development Services

TIS Comments

Lee County
Southwest Florida

Department of Community Development
Development Services Section

MEMORANDUM

Date: January 27, 2016

To: A. Block
Principal Planner

From: M. Evans
Senior Engineer

Subject: **Genova Residential Planned Development (RPD) Transportation-Related Analysis and Recommendations**
Case No. DCI2015-00009
STRAP No. 34-46-25-E1-U1991.2358 (lowest)

Location and Access

The approximately 16.92-acre subject site is located on the south side of Corkscrew Road between Via Coconut Point/Sandy Lane and Estero Park Commons Boulevard in the Village of Estero. Access to the site is shown on the applicant's Master Concept Plan (MCP) as described in **Table 1**.

Table 1
Site Access Locations

Roadway (Functional Classification)	Location	Access Type
Corkscrew Road (arterial)	approximately 357 feet east of Via Coconut Point/Sandy Lane	direct right out access
Via Coconut Point (major collector)	approximately 740 feet south of Corkscrew Road	direct full access

Current and Proposed Zoning

The subject site is undeveloped and currently zoned as Agriculture (AG-2) and Commercial Planned Development (CPD). With the subject case, the applicant proposes to rezone the site to Residential Planned Development (RPD) to permit a maximum residential intensity of 205 multi-family units. It should be noted that while the applicant's request narrative and master concept plan (MCP) parking calculations both describe 205 multi-family units, the MCP depicts 195 multi-family units.

Trip Generation Review

The applicant analyzed traffic-related impacts assuming full site build-out with the greatest intense use with respect to the proposed schedule of uses. As part of the analysis, the applicant reviewed the Institute of Transportation Engineer's (ITE's) *Trip Generation Manual, 9th Edition*, and calculated generated trips in order to assess the traffic impacts of the proposed zoning. Trip generation calculation results are described

ATTACHMENT G

in **Table 2**. Traffic volumes shown in this table are new traffic volumes on the surrounding roadway network, and reflect a reduction for internal capture traffic (traffic interacting between differing uses on the site) and pass-by traffic (non-newly generated traffic already on the roadway network) if applicable.

Table 2
New Trip Generation

Zoning Description	AM Peak Hour			PM Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
New Trips	16	76	92	72	36	108	1,201

The Lee Plan/Roadway Segment Traffic Operations Level of Service Analysis

New trips were distributed to the surrounding road network in order to assess the level of service (LOS) impacts on sections expected to be significantly impacted by the proposed development. In the subject case, no roadway sections are expected to be significantly impacted by the proposed development. **Table 3** describes roadways immediately adjacent to the site along with corresponding pre- and post-project build-out levels of service.

Table 3
Roadways Immediately Adjacent to Site

Roadway	Location	Level of Service*
Corkscrew Road	US 41 to Three Oaks Parkway	C/C/C
Via Coconut Point	south terminus to Corkscrew Road	C/C/C

*current year/year 2020 without project/year 2020 with project

Based on a review of traffic volumes in the 2015 Lee County "Concurrency Report" and the most current "Lee County Generalized Peak Hour Directional Service Volumes" table, all roadway sections described in **Table 3** currently operate at LOS "C". Utilizing the 2014 Lee County Traffic Count Report and assuming a project build-out year of 2020, these roadway sections are estimated to operate at LOS "C" with future background traffic volumes. Once project build-out traffic is added to these sections, all are also estimated to operate at LOS "C". Based on the LOS standards as set forth in *The Lee Plan* for "unconstrained" roadway sections such as those described in **Table 3**, LOS "C" is an acceptable level of service. No roadway link improvements are expected to be required to accommodate the proposed zoning.

Applicant Proposed Deviation Review and Conditions

Development Services Section (DSS) staff reviewed the applicant's proposed traffic-related deviations for the subject case.

Deviation #3 seeks relief from the requirements of the *Land Development Code* Section 10-285 relating to connection separation along arterial and major collector roadways. Since Corkscrew Road and Via Coconut Point are both maintained by the Lee County Department of Transportation (DOT), DSS staff **defers to DOT staff for review and comment** on this requested deviation.

Deviation #6 seeks relief from the requirements of the *Land Development Code* Section 34-1748 which requires that the gate or gatehouse be located at minimum 100 feet from the existing intersecting right-of-way or easement, or the gate or gatehouse is designed such that a minimum of five vehicles can pull safely off the intersecting street while waiting to enter the site. Staff **recommends approval of this proposed deviation subject to the following condition**:

> DSS Staff Condition #6: The design of all right turn and left turn auxiliary lanes at the project entrances must be approved by the Lee County Development Services Director prior to development order issuance for site-related improvements within county-maintained right-of-way.

MJE:mje

Copy: file

ATTACHMENT L

School District of Lee County Comments

THE SCHOOL DISTRICT OF LEE COUNTY

2855 COLONIAL BLVD. ♦ FORT MYERS, FLORIDA 33966 ♦ WWW.LEESCHOOLS.NET

DAWN HUFF
LONG RANGE PLANNER
239-337-8142
DAWNMHU@LEESCHOOLS.NET

CATHLEEN O'DANIEL MORGAN
CHAIRMAN, DISTRICT 3

STEVEN K. TEUBER
VICE CHAIRMAN, DISTRICT 4

MARY FISCHER
DISTRICT 1

JEANNE S. DOZIER
DISTRICT 2

PAMELA H. LARIVIERE
DISTRICT 5

NANCY J. GRAHAM, ED.D
SUPERINTENDENT

KEITH B. MARTIN, ESQ.
BOARD ATTORNEY

April 28, 2015

Alvin Block, AICP
Lee County Development Services Division
P.O. Box 398
Fort Myers, Florida 33902-0398

RE: DCI2015-00009
Genova

Dear Mr. Block;

This letter is in response to your request dated April 17, 2015 for the Genova proposed development for sufficiency comments in reference to the educational impact. This proposed development is located in the South Choice Zone, Sub Zone S-3.

The Developers request states there is a possibility of 205 multi-family dwellings. With regard to the inter-local agreement for school concurrency the generation rates are created from the type of dwelling unit and further broken down by grade level

For multi-family the generation rate is .091 with the following break-down, .046 for elementary, .022 for middle and .023 for high. A total of 19 school-aged children would be generated and utilized for the purpose of determining sufficient capacity to serve the development.

The Concurrency Analysis attached, displays the impact of this development. Capacities for elementary and middle seats are not an issue within the Concurrency Service Area (CSA). For high school, the development adds to the projected deficit within the CSA, however, there are sufficient seats available to serve the need within the contiguous CSA.

Thank you for your attention to this issue. If I may be of further assistance, please call me at (239) 337-8142.

Sincerely,

Dawn Huff, Long Range Planner
Planning Department

ATTACHMENT H

LEE COUNTY SCHOOL DISTRICT'S SCHOOL CONCURRENCY ANALYSIS

REVIEWING AUTHORITY	Lee School District
NAME/CASE NUMBER	Genova/DCI2015-00009
OWNER/AGENT	Genova Partners, LLLC
ITEM DESCRIPTION	various amendments; all impacts in South CSA, sub area S3
LOCATION	South east corner of Via Coconut Point & Corkscrew Rd
ACRES	17.00
CURRENT FLU	Suburban (S)
CURRENT ZONING	Agricultural (AG2)

PROPOSED DWELLING UNITS BY TYPE

Single Family	Multi Family	Mobile Home
0	205	0

	Student Generation Rates			
STUDENT GENERATION	**SF**	**MF**	**MH**	**Projected Students**
Elementary School		0.046		9.43
Middle School		0.022		4.51
High School		0.023		4.72

Source: Lee County School District, April 28, 2015 letter

CSA SCHOOL NAME 2018/19	**CSA Capacity (1)**	**CSA Projected Enrollment (2)**	**CSA Available Capacity**	**Projected Impact of Project**	**Available Capacity W/Impact**	**LOS is 100% Perm FISH Capacity**	**Adjacent CSA Available Capacity w/Impact**
South CSA, Elementary	12,413	10,768	1,645	9	1636	87%	
South CSA, Middle	5,621	5,325	296	5	291	95%	
South CSA, High	7,070	7,550	-480	5	-485	107%	

(1) Permanent Capacity as defined in the Interlocal Agreement and adopted in the five (5) years of the School District's Five Year Plan

(2) Projected Enrollment per the five (5) years of the School District's Five Year Plan plus any reserved capacity (development has a valid finding of capacity)

(3) Available Adjacent CSA capacity is subject to adjacency criteria as outlined in the Interlocal Agreement and the School District's School Concurrency Manual

Prepared by: Dawn Huff, Long Range Planner

ATTACHMENT M

Legal Description

Stantec Consulting Services Inc.
3800 Colonial Blvd., Suite 100
Fort Myers FL 33966
Tel: (239) 939-1020
Fax: (239) 939-3412

Stantec

DCI 2015-00009

RECEIVED
DEC 17 2015
COMMUNITY DEVELOPMENT

LEGAL DESCRIPTION
GENOVA CPA & PD RE-ZONE
Section 34, Township 46 South, Range 25 East
Lee County, Florida

A parcel of land lying in Section 34, Township 46 South, Range 25 East, Lee County, Florida and being more particularly described as follows:

COMMENCE at the Northwest corner of the aforementioned Section 34; thence, along the West line of the Northwest one-quarter of said Section 34, S.01°10'57"E., 1,353.36 feet to an intersection with the centerline of Corkscrew Road, according to the survey of said right-of-way prepared by Jeffrey C. Cooner & Associates dated December 29, 2000 and according to the Florida Department of Transportation right-of-way Map Section 12640-2601; thence, along said centerline, N.89°38'03"E., 663.00 feet; thence S.01°09'27"E., 40.00 feet to an intersection with the South right-of-way of Corkscrew Road and the **POINT OF BEGINNING**; thence, along the Easterly line of lands described in Official Records Book 3159, page 3433 of the Public Records of Lee County, Florida, for the following two (2) courses:

1. S.01°09'27"E., 571.64 feet;
2. S.88°59'56"W., 4.80 feet;

thence S.01°07'57"E., 653.52 feet to an intersection with the South line of the Northwest one-quarter of the aforementioned Section 34; thence, along said South line for the following two (2) courses:

1. S.89°55'17"W., 326.18 feet;
2. S.89°55'17"W., 273.13 feet

to the Easterly right-of-way of Via Coconut (formerly Sandy Lane) as recorded in Official Records Book 4558, page 4802 of the aforementioned Public Records; thence, along said Easterly right-of-way for the following two (2) courses:

1. along the arc of a non-tangent circular curve concave to the East having for its elements a radius of 1,622.00 feet, a central angle of 01°03'58", a chord distance of 30.18 feet, a chord bearing of N.06°22'48"W., an arc distance of 30.18 feet;
2. along the arc of a tangent circular curve concave to the East, having for its elements a radius of 1622.00 feet, a central angle of 04°09'58", a chord distance of 117.91 feet, a chord bearing of N.03°45'50"W., an arc distance of 117.94 feet;

thence, along the Easterly line of additional right-of-way for Via Coconut (formerly Sandy Lane) as described in Official Records Instrument 2007000177427 of the aforementioned Public Records for the following three (3) courses:

Applicant's Legal Checked
by 12/18/15

ATTACHMENT I

Reference: Genova CPA & PD Re-Zone

1. N.08°23'52"E., 50.73 feet;
2. N.01°10'56"W., 298.99 feet;
3. S.88°49'04"W., 8.50 feet;

thence, along the aforementioned Easterly right-of-way of Via Coconut (formerly Sandy Lane) as recorded in Official Records Book 4558, page 4802 of the aforementioned Public Records, N.01°10'56"W., 258.75 feet; thence, along the aforementioned Easterly line of additional right-of-way for Via Coconut (formerly Sandy Lane) as described in Official Records Instrument 2007000177427 of the aforementioned Public Records for the following three (3) courses:

1. N.08°27'57"E., 50.72 feet;
2. N.01°10'56"W., 353.09 feet;
3. N.48°49'04"E., 97.16 feet

to an intersection with the aforementioned South right-of-way of Corkscrew Road; thence, along said South right-of-way, N.89°38'03"E., 530.04 feet to the **POINT OF BEGINNING**.

Said parcel contains 16.923 acres, more or less.

SEE ATTACHED SKETCH

This description and the attached sketch are not valid without the signature and raised seal of a Florida licensed Surveyor and Mapper. Bearings shown hereon are based on the State Plane Coordinate System, Florida West Zone, fixing the West line of the Northwest one-quarter of Section 34, Township 46 South, Range 25 East, Lee County, Florida as S.01°10'57"E.

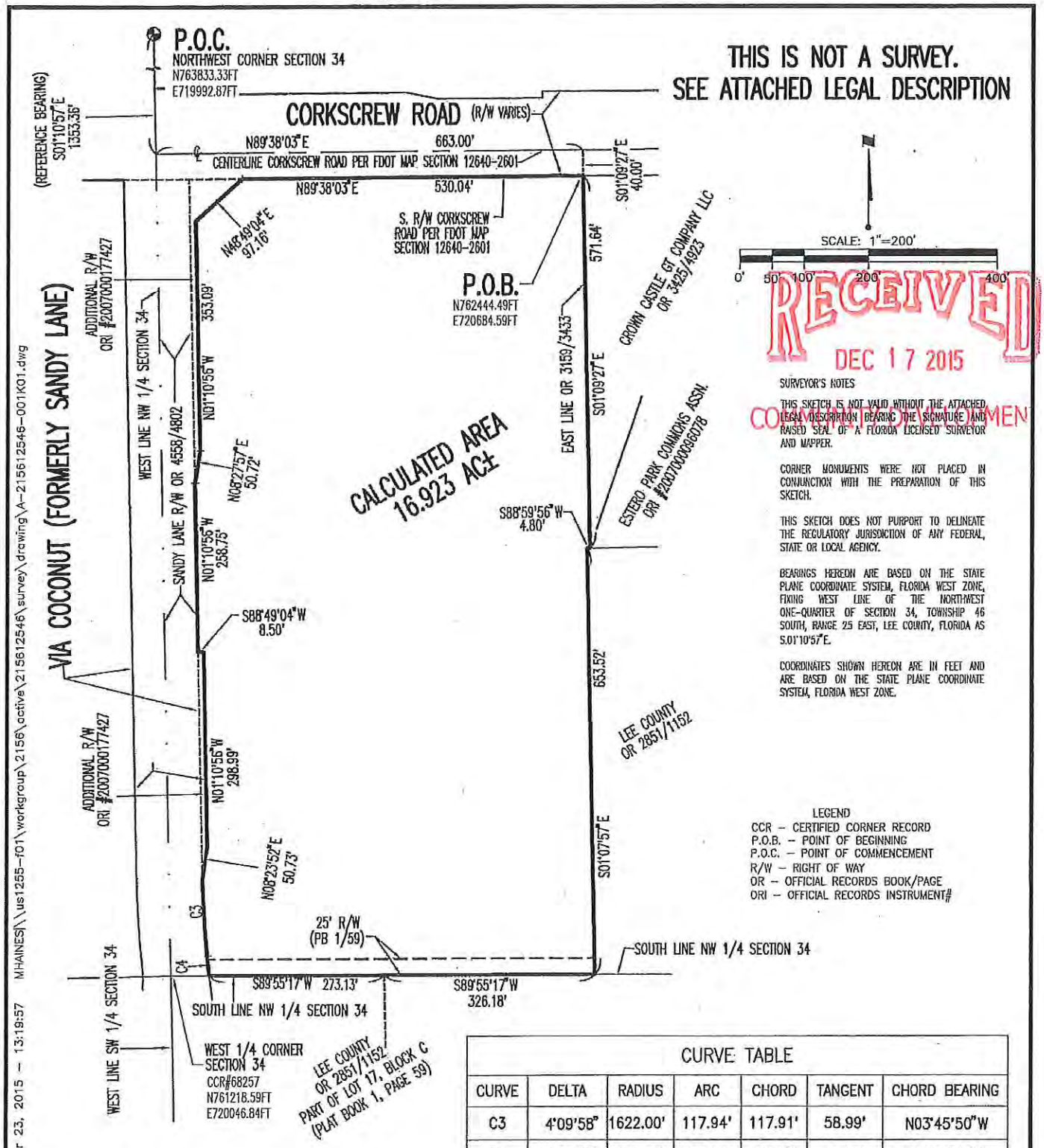
Stantec Consulting Services Inc.
Licensed Business No. LB7866
State of Florida

Mark D. Haines
Professional Surveyor and Mapper No. LS5312
State of Florida

3/23/15
Date:

Proj: 215612546 Task 210
Ref: 215612546001-K01.dwg
Date: March 23, 2015
File: \\us1255-f01\workgroup\2156\active\215612546\survey\docs\leg_genova_cpa_pd-rezone_21560323.docx

DCI 2015-00009



THIS IS NOT A SURVEY.
SEE ATTACHED LEGAL DESCRIPTION

SCALE: 1"=200'
0' 50' 100' 200' 400'

RECEIVED
DEC 17 2015
COMMUNITY DEVELOPMENT

SURVEYOR'S NOTES

THIS SKETCH IS NOT VALID WITHOUT THE ATTACHED LEGAL DESCRIPTION BEARING THE SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

CORNER MONUMENTS WERE NOT PLACED IN CONJUNCTION WITH THE PREPARATION OF THIS SKETCH.

THIS SKETCH DOES NOT PURPORT TO DELINEATE THE REGULATORY JURISDICTION OF ANY FEDERAL, STATE OR LOCAL AGENCY.

BEARINGS HEREON ARE BASED ON THE STATE PLANE COORDINATE SYSTEM, FLORIDA WEST ZONE, FIXING WEST LINE OF THE NORTHWEST ONE-QUARTER OF SECTION 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AS S.01°10'57"E.

COORDINATES SHOWN HEREON ARE IN FEET AND ARE BASED ON THE STATE PLANE COORDINATE SYSTEM, FLORIDA WEST ZONE.

LEGEND
CCR – CERTIFIED CORNER RECORD
P.O.B. – POINT OF BEGINNING
P.O.C. – POINT OF COMMENCEMENT
R/W – RIGHT OF WAY
OR – OFFICIAL RECORDS BOOK/PAGE
ORI – OFFICIAL RECORDS INSTRUMENT#

CURVE TABLE

CURVE	DELTA	RADIUS	ARC	CHORD	TANGENT	CHORD BEARING
C3	4°09'58"	1622.00'	117.94'	117.91'	58.99'	N03°45'50"W
C4	1°03'58"	1622.00'	30.18'	30.18'	15.09'	N06°22'48"W

FOR: GENOVA PARTNERS, LLC

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
GENOVA CPA & PD RE-ZONE
SECTION 34, TOWNSHIP 46S., RANGE 25E.
LEE COUNTY, FLORIDA

Stantec
3800 Colonial Blvd., Suite 100, Fort Myers, FL 33966
Phone 239-939-1020 • Fax 239-939-2412
Certificate of Authorization #27013 • Licensed Business No. LB7866 • www.stantec.com

TASK CODE:	DRAWN BY:	CHKED BY:	CAD FILE:	PROJECT NO:	SHEET	DRAWING INDEX NO:	REV:
420	MDH	MDH	210	215612546	1 OF 1	A-215612546-001-K01	

LEGAL DESCRIPTION
(FOR RE-ZONING ONLY – SHADED LINE)

[illegible]

ABBREVIATIONS/SYMBOLS

[illegible]

SURVEYOR'S NOTES

[illegible]

LEGAL DESCRIPTION
(AS PROVIDED TO THE SURVEYOR)

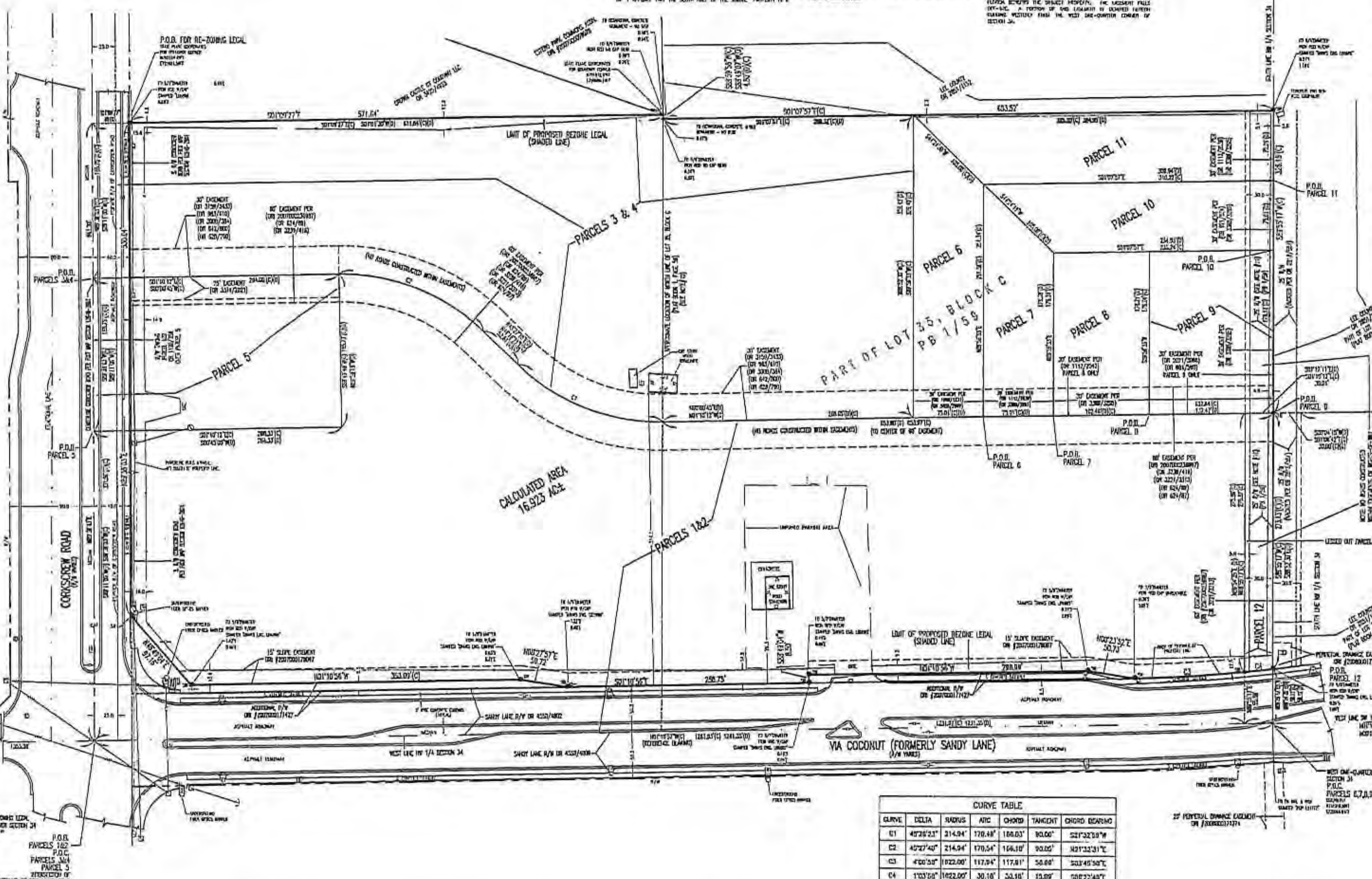
PARCELS 1 AND 2:

[illegible]

LEGAL DESCRIPTION PARCEL 12

[illegible]

SCALE: 1"=60'



CURVE TABLE						
CURVE	DELTA	RADIUS	ARC	CHORD	TANGENT	CHORD BEARING
C1	45°28'23"	214.94'	170.48'	166.03'	90.00'	S21°32'59"W
C2	45°27'40"	214.94'	170.54'	166.10'	90.00'	N21°32'31"E
C3	4°00'50"	1022.00'	117.94'	117.91'	58.00'	S03°45'50"E
C4	1°03'50"	1022.00'	30.16'	30.16'	15.09'	S00°22'40"E

RECEIVED DEC 17 2015 COMMUNITY DEVELOPMENT

DCI 2015-00009

PRINTED DEC 17 2015

Applicant's Survey Cropped BSG 12/18/15

SURVEYOR'S CERTIFICATION

CERTIFIED TO:

GENOVA PARTNERS, LLC

[illegible]

LAST DATE OF FIELD SURVEY: DECEMBER 15, 2015

					ACTIVITY	INITIALS/EMP.NO.	DATE
5	REVISE BOUNDARY PER NEW OUT CLAIM DEEDS	12/15/15	MDH		COMPUTED BY:	MDH	2/3/15
4	ADD MONITES CORNER	4/9/15	MDH		DRAWN BY:	CPB	2/5/15
3	ADD RE-ZONING LEGAL	4/1/15	MDH		CHECKED BY:	MDH	2/15
2	REVISE LEGAL, PARCEL NUMBERS & SURVEYOR'S NOTES PER TITLE COMMITMENT; ADD TITLE EXCEPTIONS	3/17/15	MDH		CLOSED BY:	215612546-001	PROJECT FILE
1	ADD FLOOD ZONE INFORMATION TO SURVEYOR'S NOTES	2/3/15	MDH		FIELD BOOK/PAGE	CHIEF: F.GILITER	
REV NO.	REVISION	DATE	DRAWN BY/EMP.NO.	CHECKED BY/EMP NO.			

Stantec
3030 Colonial Blvd., Suite 100, Fort Myers, FL 33966
Phone 239-939-1020 • Fax 239-939-3412
Certificate of Authorization #27013 • www.stantec.com
Licensed Business Number 7866

TITLE:
BOUNDARY SURVEY
GENOVA CPA & PD REZONE
A PART OF LOT 35, BLOCK C, PLAT BOOK 1, PAGE 59 – SECTION 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST
VILLAGE OF ESTERO – LEE COUNTY, FLORIDA

DATE: 12/15/15
HORIZONTAL SCALE: 1" = 60'
SEC. TWP. RGE.: 34-46-25

CLIENT: GENOVA PARTNERS, LLC
3700 CRACKER WAY
BONITA SPRINGS, FLORIDA 34134

PROJECT NO.	TASK CODE	SHEET NUMBER	DRAWING/FILE NUMBER
215612546	210	1 of 1	D-215612546-001SU01_REV02

ATTACHMENT N

Land Development Code Amendments

(March 24, 2016 draft)

LAND DEVELOPMENT CODE AMENDMENTS

Proposed by the Village of Estero
Draft, May 24, 2016

Chapter 33 – ~~PLANNING~~ ESTERO COMMUNITY REGULATIONS

~~Article I. - In General~~

Division 1. - In General

Sec. 33-1. – Transitional nature of this chapter. ~~Purpose and intent.~~

~~The purpose of~~ This chapter contains ~~is to adopt~~ the guidelines and provisions ~~a planning community believes is~~ necessary to achieve the goals, objectives and policies set forth in the ~~Lee County~~ Comprehensive Plan applicable to the Village of Estero until these provisions can be merged with the remainder of the transitional land development code adopted by the Village Charter. ~~each recognized individual planning community located within unincorporated Lee County~~. These provisions are intended to enhance, not replace, the regulations contained in the balance of this Code, unless ~~a particular planning community~~ specifically provided otherwise.

Sec. 33-2. – Reserved. ~~Applicability.~~

~~The following articles apply to the planning communities in unincorporated Lee County that are specifically identified in the Lee Plan. Each article covers an individual planning community, or specifically identified portion of a planning community, that has chosen to pursue adoption of standards for the particular community.~~

Sec. 33-3. – Reserved. ~~Effect of LDC provisions~~.

~~Development within the planning communities affected by this chapter must comply with all Lee County regulations, including the provisions of this Code. The planning community regulations are intended to supplement regulations in this Code, unless a particular planning community specifically provides otherwise.~~

Sec. 33-4. - Conflict.

A conflict between the provisions of this chapter and the balance of this Code will be resolved in accordance with the following. The provisions of the Comprehensive ~~Lee~~ Plan in effect at the time of the conflict is discovered will control. If the Comprehensive ~~Lee~~ Plan is silent with respect to the issue, then the standards articulated in this chapter will control over any conflicting provisions in the balance of this Code. If the Comprehensive ~~Lee~~ Plan and this chapter are silent with respect to an issue, then the provisions within the balance of this Code will control.

Sec. 33-5. - Deviations/variances.

Deviations and variances from these provisions ~~set forth in each article~~ may be achieved under the standards specifically set forth in this chapter and pursuant to the ordinances of the Village of Estero ~~by the particular planning community~~. If this chapter or such ordinances ~~the article~~ do not contain a specific provision related to variances and deviations, then the relevant provisions in chapters 10 and 34 will apply.

Sec. 33-6. - Appeal.
Appeal of the application or interpretation of this chapter must be filed and processed in accord with ~~section 34-145(a)~~ the ordinances of the Village of Estero.

Secs. 33-7—33-50. - Reserved.

~~Article II. - Estero Planning Community~~

Division 1. - In General

Sec. 33-51. - Purpose and intent.

The purpose of this chapter ~~division~~ is to create standards for growth in ~~the~~ Estero ~~Planning Community (see map in Appendix I), described in Goal 19 of the Lee County Comprehensive Plan~~. Specific high growth corridors may be designated as overlay districts and/or contain special regulations. ~~subject to the provisions of this subdivision.~~ The policies contained within this chapter ~~article~~ are intended to encourage mixed-use developments, interconnectivity, pedestrian activity, and to achieve and maintain a unique, unified and pleasing aesthetic/visual quality in architecture, landscape architecture, site planning, and signage throughout Estero. Except as otherwise specifically set forth below, the standards in this chapter Article ~~II~~ apply to all development, including, without limitation, commercial, religious, institutional, and mixed use buildings within ~~the~~ Estero, except for individual single-family or two-family residential structures. ~~Community, except where the authority of a separate political jurisdiction supersedes county authority~~.

Sec. 33-52. - Applicability.

(a) ***Scope.*** The provisions of ~~Article II~~ this chapter apply to all development located in the ~~Estero Planning Community~~ Village of Estero~~, as defined in section 33-53(a) and Goal 19 of the Lee Comprehensive Plan~~, except for individual single-family or two-family residential structures.

(b) ***Development orders.*** The provisions of this chapter ~~article II~~ apply to all development orders including, without limitation, all limited review development orders described in section10-174 ~~10-174(1), 10-174(2) and 10-174(4)a~~. that are requested within ~~the~~ Estero ~~Planning Community~~. Compliance with these provisions will be required in order to obtain development order approval.

(c) ***Demonstrating compliance.*** Compliance with the standards set forth in this chapter ~~article~~ must 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 must precede the building permit approval.

Sec. 33-53. – Reserved. ~~Planning community boundaries.~~

~~(a) ***Estero Planning Community.*** The boundaries of the Estero Planning Community are as depicted in the Lee County Comprehensive Plan on Lee Plan Communities Map 16.~~
~~(b) ***Corkscrew Road Overlay.*** The boundaries of the Corkscrew Road overlay district are as depicted in Appendix I on Map 1.~~
~~(c) ***Sandy Lane Overlay.*** The boundaries of the Sandy Lane overlay district are as depicted in Appendix I on Map 1~~
~~(d) ***US 41 Overlay.*** The boundaries of the US 41 overlay district are as depicted in Appendix I on Map 2.~~

Sec. 33-54. - Community review.

The owner or agent applying for Planned Developments, Rezonings, Variances, Special Exceptions, Plan Amendments, and Development Orders within the Village of Estero must participate in a public information meeting pursuant to the Ordinances, regulations and policies of the Village of Estero to provide a general overview of the project for any interested citizens before the application can be found sufficient. Prior to a finding of sufficiency, the applicant must provide the Village with a summary of the concerns or issues that were raised at the meeting and a proposal for how the applicant will respond to any issues that were raised.

~~(a) ***Applications requiring review.*** The owner or agent applying for the following types of county approvals must conduct one public informational session in accord with section 33-54(b) within the Estero Planning Community prior to obtaining a finding of sufficiency.~~
~~(1) ***Development orders.*** This includes all applications for development orders requested within the Estero Planning Community.~~
~~(2) ***Planned development zoning actions.*** This includes administrative deviations amending the approved master concept plan or other provisions of the applicable zoning resolution.~~
~~(3) ***Special exception and variance requests.*** This includes all requests that will be decided by the hearing examiner.~~
~~(4) ***Conventional rezoning actions.***~~
~~(5) ***Permanent monument-style identification*** sign permits requested from the Building Department.~~
~~(b) ***Meeting requirements.*** The owner or agent submitting the application requiring review under this section must conduct one public informational session within the boundaries of the Estero Planning Community where the agent will provide a general overview of the project for any interested citizens. The applicant is fully responsible for~~

~~providing the meeting space and providing security measures as needed. Subsequent to this meeting, the applicant must provide county staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised.~~

Sec. 33-55. - Existing development.

Existing planned developments may voluntarily bring a master concept plan into compliance with the Comprehensive Plan ~~Estero Plan~~ or any regulation contained in this chapter division administratively. No public hearing will be required if the sole intention is for existing planned developments to comply with these regulations.

Sec. 33-56. - Definitions.

The following definitions are in addition to those set forth in other chapters of this Code and are applicable to the provisions set forth in this chapter ~~article~~ only. If, when construing the specific provisions contained in this chapter ~~article~~, these definitions conflict with definitions found elsewhere in this Code, then the definitions set forth below will control. Otherwise the definitions contained elsewhere in this Code will control.

Articulation means 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.

Big box/large retail/large footprint means a single use retailer of more than 50,000 square feet of building footprint, or a multi-use development, with more than 100,000 square feet of building area, excluding out parcel development.

Building footprint means 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.

Column/pillar means freestanding vertical supports that generate unique features through the composition of the base, shaft and capital arrangement of column parts.

Facade means the vertical exterior surfaces of a building.

Fully shielded light fixture means a light fixture constructed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal.

Human scale and proportion means 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.

Intensity means the extent to which land is being used. It is an indication of the amount and degree of development in an area and a reflection of the effects generated by that use. Without limiting the generality of the foregoing, *Intensity* is usually measured in relationship to customarily non-residential uses based on the amount of use, size, impact, bulk, shape, height, coverage, utilities and energy demand, traffic generation, and floor area ratios.

Increases in Intensity shall refer to 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 the public 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 still be deemed Increases in Intensity base on the foregoing standards. For purposes hereof, an increase in the intensity of a parcel by ten percent (10%) or more in any of the measurements mentioned in such definition shall be deemed to be an *Increase in Intensity.*

Interior access drive/street means any vehicular roadway, excluding alleys or driveways, located within the confines of the property.

Internal block means a building pad that does not front on a major road.

Liner building/structures means additional buildings located along a big box type structure to mask blank and unadorned walls. Liner buildings may also be used to help mass up or mass down the big box. Liner buildings may either be attached to the big box or be within 15 feet of the big box. (See Figure 11 in section 33-458) Liner buildings may either be an enclosed, partially enclosed, or a covered structure, including covered walkways.

Mall means 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.

Monument sign or monument-style sign is a ground sign, the structural base of which is on the ground. The height of the base must be at least 24 but no more than 36 inches above the adjacent ground. The average width of the sign structure must exceed the total height of the sign structure. The width of the top of the sign structure must not exceed 120 percent of the width of the base. The sign copy area will 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.

Reflective pool means a geometric pool like structure with a minimum of six inches of water and a maximum of two feet of water in the structure. Reflective pools may not be connected to the water management system.

Open space square means an outdoor common space. Open space squares must 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 must be integrated into the pedestrian circulation pattern for the project. Open space squares must also be located in the front or middle of the center.

Out parcel buffer means building parcels that are placed along more than 75 percent of the public right-of-way, having no more than two rows of parking in the front, and a landscaped buffer (type "D," minimum of six feet) provided at the front, back and the sides of the out parcel. Properties sharing common buffers may agree to install a joint buffer, at least eight feet in width, provided the buffer meets all type "D" buffer requirements, and includes three trees per 100 linear feet. When a building is located in the Corkscrew Road overlay area, a setback of no more than 20 feet from the Corkscrew Road right-of-way may satisfy the front landscaping requirements.

Parapet means a low protective wall at the edge of a terrace, balcony or roof.

Parking pods means a discrete parking lot with no more than four ingress/egress points, limited to a maximum of 120 parking spaces, and surrounded by a type "D" landscape buffer.

Pedestrian passageway means a pedestrian connection between buildings that allows safe access to other public spaces.

Pole sign is a freestanding sign composed of a single, double, or multiple pole or support structure, that is not a solid monument-style.

Storefront means the wood or metal armature of a window or door system, located within a ground-floor opening in the facade of a building.

Street furniture means objects that are constructed or placed above ground such as outdoor seating, kiosks, bus shelters, sculptures, tree grids, trash receptacles, fountains, and telephone booths, which have the potential for enlivening and giving variety to streets, sidewalks, plazas, and other outdoor spaces open to, and used by, the public.

Usable open space means a passive or active area set aside for the visitor enjoyment while adding to the diversity of the activities at the center.

Vernacular means building structure whose design is determined by an informal local tradition. A vernacular building is one that possess 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.

Sec. 33-57. – Deviations, Administrative Actions, and variances.

If an applicant desires to deviate from any of the provisions of this chapter, including all of the guidelines, and standards thereof, including, without limitation, the architectural, site design, landscaping or signage guidelines in this ~~Article II~~ chapter, ~~including all sections from 33-111 through 33-385~~, an applicant may do so at the time of zoning or development order if permitted under the Ordinances of the Village of Estero, section 34-268, and section 10-104(b) in the manner set forth below. A rendered drawing to scale, showing the design, and clearly demonstrating the nature of the requested deviation must be submitted as part of the development order application. ~~Administrative deviations to a planned development may be allowed subject to a meeting within the Estero Planning Community in accord with section 33-54(b).~~

Under this chapter, and pursuant to Village of Estero Ordinance 2015-01, administrative amendments under section 34-380, administrative variances under section 34-268, and administrative deviations under section 10-104 shall be determined in accordance with the following:

(a) Under section 10-104, with respect to all applications for administrative deviations other than administrative deviations with respect to height of buildings and structures, all references to the "Development Services Director" or the "Director" shall mean the Village of Estero Design Review Board ("DRB") acting pursuant to its powers and the procedures set forth under Estero Ordinance 2015-01, as amended (the "Ordinance").

(b) Under sections 34-380 and 34-268, with respect to all requests for administrative amendments to master concept plans and requests for administrative variances, including requests for deviations relating to the height of buildings and structures, all references to the "Director" shall mean the Village of Estero Planning and Zoning Board ("PZB") acting pursuant to its powers and the procedures set forth under the Ordinance.

Secs. 33-58—33-99. - Reserved.

Division 2. - Design Standards

Sec. 33-100. - Design standards.

The design standards included in this division are intended to help create a distinguished architectural style and appearance within ~~the~~ Estero ~~Planning Community and the specific overlay districts identified in section 33-53~~. The standards provide design criteria intended to stimulate creative project designs, while fostering compatibility with surrounding developments.

These development provisions are intended to create an integral distinct community image, one that will enhance, unify, and harmonize properties throughout ~~the~~ Estero ~~Planning Community~~.

Secs. 33-101—33-110. - Reserved.

Subdivision I. - Basic Elements

[no changes to Subdivision I]

Subdivision II. - Architectural

[no changes to Subdivision II]

Subdivision III. - Landscaping

[no changes to Subdivision III]

Subdivision IV. - Transportation

[no changes to Subdivision IV]

Subdivision V. - Signs

[no changes to Subdivision V]

Subdivision VI. – Pattern Book

Sec 33-391. – Pattern books generally.

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.

Sec 33-392. – Purpose and intent.

(a) 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 Community Plan and the standards in this chapter.

(b) 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.

(1) For larger developments equal to or in excess of ten (10) acres, and developments that will be phased over time, the pattern book identifies the placement of development features on a site, particularly those along the perimeter; defines the layout of proposed development in relationship to neighboring uses, adjacent streets, and public spaces; and depicts generalized architectural themes for buildings.

(2) For smaller developments, less than ten (10) acres, single-phased developments, and higher density and intensity projects such as those subject to pattern book requirements under Division 5 of this chapter, 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.

Sec 33-393. - Applicability.

(a) With respect to all planned development zoning applications as of the date of the effectiveness of the amendment of this Sec. 33-393, the Village of Estero requires that a pattern book to be submitted as part of applications for planned development zoning. Compliance with the pattern book is a condition of such rezoning.

(b) By itself, an approved pattern book does not overrule any Village regulations. However, where specific variances or deviations are requested as part of a zoning application, the details of those requests should be illustrated in the pattern book so that subsequent approval of those variances or deviations can be referenced to the pattern book.

Secs. 33-393—399. - Reserved.

Division 3. - Corridor Standards
~~Overlay Districts~~

Sec. 33-400. - Purpose and intent.

~~Overlay districts are~~ Certain corridors within ~~the~~ Estero ~~Planning Community that~~ are of special concern and require special site design standards.

Sec. 33-401. - Applicability.

Whenever the requirements of Division 3 ~~the overlay districts~~ impose a different standard than the provisions of the remainder of this Code, the requirements of Division 3 ~~the overlay district~~ will govern. Except where specifically modified by the provisions of this ~~sub~~division, all other requirements of this Code apply.

Subdivision I. - Corkscrew Road Overlay ~~and Sandy Lane~~

Sec. 33-402. - Intent.

The Corkscrew Road ~~and Sandy Lane~~ overlay district~~s~~ will be developed as ~~the Estero Planning Community's Main Street,~~ a corridor of architecturally appealing and attractively landscaped retail, office, residential and institutional developments that cater to the needs of the community. The boundaries of this district are depicted in **Figure 33-402.** ~~These districts are depicted in Appendix I, Map 1.~~

Sec. 33-403. - Corner lots.

In addition to the requirements of section 10-620(c)(3), the development must create visually attractive street corners using distinctive building entryways in combination with landscaping or artwork. Buildings on corner lots must be designed with a maximum setback of 25 feet from each adjacent right-of-way and must provide pedestrian access from the street intersection (Refer to Figure 9).

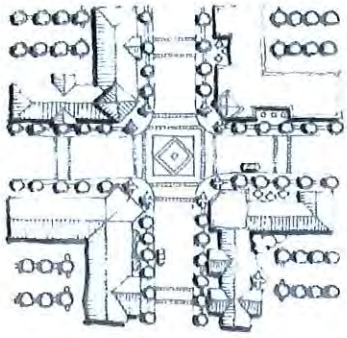


Figure 9. (s. 33-403)

Sec. 33-404. - Areas of public interest.

The development must be designed to create people-oriented spaces along the street that are visually attractive, take into consideration the human scale and proportion, and provide for pedestrian connections.

Sec. 33-405. - Street front activity.

The development must be designed to create public spaces to allow for activity to take place along the street front, such as sidewalks and open areas.

Sec. 33-406. - Property development regulations.

Setbacks for the Corkscrew Road overlay district ~~and Sandy Lane Overlay Districts~~ are shown in the following **Table ~~1~~ 33-406**. With the exception of setbacks set forth within **Table ~~1~~ 33-406,** the property development regulations set forth in section 34-935 will apply. **Table ~~1~~ 33-406** specifically modifies and supersedes the provisions set forth in Section 34-935(b)(1).

To ensure conformity and development consistent with the goals and requirements of this section, developments that were approved prior to June 25, 2002, as part of a planned

development, must also comply with the setback requirements contained in **Table ~~1-33-406~~** to the extent the setback requirement was not specifically addressed as part of the planned development. Specific property development regulations that were approved as part of a planned development prior to June 25, 2002, are exempt from this section.

Table ~~1-~~33-406			
Dimensional Regulations	Special Notes	Corkscrew Road ~~& Sandy Lane~~ Overlay Districts	
Setbacks[1]	34-2191 et seq.	Minimum	Maximum
Street (feet)[2]		0′	25′
Side yard (feet)[3]		0′	N/A
Rear yard (feet)		25′	N/A
Water body (feet)		25′	N/A

Notes to Table 33-406:

(1) Building setback requirements must follow these General Requirements (See Figure 2, s. 33-113):
   a. Setbacks will be established to facilitate the creation of uniform streetscape.
   b. Maximum right-of-way setbacks will 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 will 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 per landscape requirements in section 33-435. Interior lots are permitted for developments provided that there is a minimum 75-foot setback for all parking lots.
   c. Minimum of 40 percent of the building frontage will be required at the setback.
   d. These setback requirements do not apply to properties fronting Corkscrew Road east of I-75.

(2) The provisions of section 34-3131(a) "Vehicle Visibility at Intersections" is amended for the purposes of the Corkscrew Road ~~and Sandy Lane~~ overlay districts to read as follows:

   Corner lots. On a corner lot, no obstruction may 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 will 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, evidence must be presented that the landowner will be able to maintain the exterior wall. The exterior walls of buildings must meet fire protection standards.

Secs. 33-407—33-420. - Reserved.

Subdivision II. - US 41

Sec. 33-421. - Intent and scope.

~~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 residents. The Village wishes ~~purpose of the overlay district is~~ to create a corridor that is well landscaped and aesthetically pleasing while providing for a free flow of traffic through Estero ~~South Lee County~~. The following regulations aim to create a roadway corridor that enhances the drive through experience of traveling through Estero; these regulations apply to all new development and redevelopment that abuts US 41. ~~the Estero Planning Community.~~
The US 41 Overlay is depicted on Appendix I, Map 2.

Sec. 33-422. - Parking lots.

(a) Freestanding buildings or shopping center developments containing 7,500 gross square feet of space or less may provide no more than 20 percent of parking areas in the front of buildings and/or be limited to no more than one double row of parking. No more than 20 percent of the parking area may be located to the side of building, with the balance of parking located to the rear of the building.

(b) For buildings exceeding 7,500 square feet, and fronting US 41, parking is encouraged to the sides or rear of the building.

(c) Where parking is located adjacent to US 41, adequate screening, consisting of a minimum type "E" buffer, as specified in section 33-351, containing a two to three foot undulating landscaped berm, without a wall, is required. The intent is to screen parking areas but not buildings.

Secs. 33-423—33-430. - Reserved.

Division 4. – Specific Uses

Subdivision I. - Automobile Service Stations and Convenience Food and Beverage Stores

[no changes to Subdivision I]

Subdivision II. - Big Box Commercial

[no changes to Subdivision II]

DIVISION 5. – ESTERO PD ZONING DISTRICT

Sec. 33-501. – Estero Planned Development Zoning District.

(a) This land development code 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 Compact Planned Development as described in Chapter 32 of this code. The other is the Estero Planned Development zoning district ("Estero PD") as described in this division.

(b) The Estero PD district contains tiered standards that apply to the Village Center Area. Landowners may apply for rezoning to have these new standards and densities applied to specific tracts of land.

Sec. 33-502. – General Criteria.

The general criteria for the Estero PD 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 Estero PD district and provide the rationale to be followed with respect to any rezonings or other applications for development in such district. Wherever issues arise in such rezonings or other applications, which are not specifically determined by the Estero PD district standards, the general criteria shall be applied. As part of the approval process with respect to a rezoning or other application for development in the Estero PD district, the Village Council, or the applicable land use board under the Ordinances of the Village of Estero, shall make a written finding as to whether, and to what degree, such application is consistent with these General Criteria.

(a) **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.

(b) **Reasonable Standards**. The provisions of the land development code implementing the Estero PD district are designed as reasonable standards to foster predictable built results and higher quality 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, 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 may 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.

(c) **Accessibility**. The criteria implementing the Estero PD 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.

(d) **Streets**. In these criteria, the street becomes the key part of the public space. All streets must 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 these guidelines, streets shall not end in dead ends, cul-de-sacs, hammerheads, or other forms which do not connect with other streets.

(e) **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.

(f) **Lots and Blocks.** The proper application of the principles regarding connectivity of streets will then create a network of streets which will result in blocks of land and differing lots within such blocks. Rather than to specify a particular grid of lots and blocks, which may differ within the Tiers, the guidelines for the Estero PD district will be flexible to allow for variations in the size and dimensions of lots and blocks 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 will 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.

(g) **The Visual Edge.** The sidewalks, setbacks, building facades and other characteristics of the visual edge of the public street are also important features under the standards for the Estero PD 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.

(h) **Architecture.** Architectural variety of buildings and unique approaches to design and structure are to be valued under the standards for the Estero PD 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 sense of cohesive framework in the Village Center Area.

(i) **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. These guidelines shall also favor individual buildings which are ecologically sensitive in their use of materials, particularly recyclables, and with respect to their energy demands.

Sec. 33-503. – Applications and procedures.

Application requirements and approval procedures for the Estero PD district will be the same as for other planned development rezonings except that the master concept plan will be replaced by a tiered development plan as follows:

(a) In place of designating "individual development areas" as required by section 34-373(a)(6)d, the development plan must indicate the connecting street network and proposed tier designations:

(1). The development plan must show the proposed configuration and location of the connecting street network, including the connection points along the perimeter and the routes between those points (see section 33-508(b)).

(2). The development plan must indicate that all land will be initially designated to be in Tier 1, and may indicate that certain portions of the land will also be in Tier 2, or Tier 3.

(3). The development plan must show additional streets behind and between pad sites or out parcels where these streets are required by section 33-508(d).

(4). For land in Tier 1 only, the development plan must show any additional streets that are planned as connecting streets, as such term is defined below in section 33-508(b).

(5). For land in Tiers 2 or 3, the development plan must show the location of all proposed streets and indicate the classification of streets as described in section 33-508(a).

(b) Mixes of complementary uses of land are encouraged within the Estero PD district. The development plan must indicate the proposed uses of land in each tier using the requirements in section 34-373(a)(8). If the development plan includes pad sites or out parcels along major roads, the proposed uses on those sites must also be indicated.

(c) The development plan must demonstrate compliance with the additional standards in this Division 5.

Sec. 33-504. – Tiers.

(a) This division provides standards for four levels of development that will contribute to a walkable mixed-use environment in the Village Center Area:

(1) ***Tier 1*** provides a minimum network of connecting streets that will allow the public to move by car, bike, or on foot within and through development tracts.

(2) ***Tier 2*** accommodates residential neighborhoods with higher densities and a potential for a greater variety of housing types, as well as mixed-use neighborhoods with higher levels of non-residential uses, and, in each case, greater connectivity than Tier 1.

(3) ***Tier 3*** accommodates mixed-use neighborhoods with similar attributes as Tier 2 but with significantly greater non-residential uses as well.

(4) ***Tier 4*** allows an entire development tract to be planned as a compact community, as provided in Chapter 32.

(b) Applications for the Estero PD district must designate at least Tier 1 for the entire property being rezoned. Applications may also request Tier 2 and/or Tier 3 on top of Tier 1 for 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 33-504(b)**. Applicants seeking Tier 4 must demonstrate the entire property being rezoned complies with Chapter 32.

(c) The provisions in Policy 19.8.4 of the comprehensive plan regarding vested rights, and the procedure for determining such vested rights, shall be utilized in circumstances under this Division, where a property owner is unclear as to the exact nature of the vested rights that are claimed. Rezoning approvals for the Estero PD 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 rezoning approvals 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.

Sec. 33 – 505. - Maximum residential density.

(a) Residential densities are established within each tier with respect to a proposes development plan by the Village Council during the rezoning process. These density levels must be within the density ranges in the comprehensive plan (see Policy 19.8.7).

(1) For land in Tier 1-only, densities are measured in dwelling units per gross residential acre of Tier 1-only land, as density is defined in the glossary of the comprehensive plan.

(2) For land also 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.

(b) Maximum residential densities for land in each tier are as follows:

TABLE 33-505

	Base Densities if all requirements are met:	*Additional Densities if all requirements are met and 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*
Tier 3	*up to 15*	*15.1 to 20*
Tier 4	*up to 21*	*21.1 to 27*

(c) During the rezoning process, the Village Council, among other determinations, may reduce the residential densities listed above, with respect to either the Base Densities or Additional Densities, if the proposed project does not meet all of the requirements of these guidelines to its satisfaction, or if significant deviations are requested from essential requirements upon which the allowable density increases in this zoning district are sought, or if the incentive offers that are proposed do not provide significant public benefits.

Sec. 33-506. – Maximum building height

(a) Building heights in this zoning district are measured the same as for all other development in Estero.

(b) Maximum building heights for land in each tier are as follows:

TABLE 33-506

	If all requirements are met:	If all requirements are met and incentive offers are accepted as providing significant public benefits:
Tier 1	45 feet	45 feet
Tier 2	50 feet	55 feet
Tier 3	60 feet	65 feet
Tier 4	70 feet	75 feet

Sec. 33 – 507. - Pattern books.

Section 33-393 of this code requires rezoning applications to include a pattern book that illustrates the anticipated visual character of new development including its architecture and landscaping. All applications for the Estero PD district, except for those in Tier 4, must include a pattern book that meets the requirements listed below for the respective tier. A pattern book is optional but recommended for Tier 4 applications. The following standards for pattern books required under this Division 5 apply to specific tiers. Where there are direct conflicts with another provision of this code, these standards will apply.

(a) **Tier 1 Pattern Books:**

Pattern books for land proposed only for Tier 1 are not as detailed as pattern books for higher tiers. Pattern book contents for areas designated for Tier 1 development must include at least the following to demonstrate consistency with (or identify deviations or variances from) the standards outlined in this division.

(1) Illustrative colored site plan on an aerial photo that depicts:

a. Configuration and phasing of all connecting streets, streets behind/between pad sites or out parcels, and other planned local streets, along with all access points from adjoining streets, as shown on the development plan, with cross-sections for each.

b. Bicycle/pedestrian circulation including connections to adjoining property.

c. Landscaped areas, preserved areas, open spaces, civic spaces, gathering places, natural and cultural resources, and community facilities, where applicable.

d. Water management areas (conceptual).

e. Development areas, labeled with approximate acreages and with proposed uses.

(2) Conceptual architectural elevations that depict generalized architectural theme or themes that will be characteristic of the primary façades of buildings throughout the development plan, and including a proposed color palette.

(3) Landscaping and open space plan with typical buffer planting detail.

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

(5) For land adjoining the Estero River, provide a map showing the top of the riverbank, and the regulatory floodway designated on the official flood maps adopted into Chapter 6 of this code. 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.

(6) For tracts, blocks, or parcels where access would be controlled for security, provide 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 should 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.

(b) 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 Tier 2 land and Tier 3 land:

(1) On the illustrative site plan, provide the following additional information:
a. Location, shape and size of proposed detention and retention areas.
b. Location and size of development tracts, labeled with approximate acreages and with proposed uses.
c. Location and cross-sections of streets, sidewalks, and off-street facilities for walking or biking.
d. A three dimensional diagram or rendering that shows the scale and massing of buildings proposed in each development tract.
e. Location and size of common parking areas.
f. Location and approximate size of lots.

(2) Provide typical façade detailing for buildings that will be visible from streets.

Sec. 33 – 508. – Streets and Street Appurtenances.

Pursuant to the General Criteria set forth in Sec. 33-502, under these guidelines the street becomes the key part of the public space. The goal with respect to streets is to incentivize the creation of a variety of different types of streets, which can connect neighborhoods and

destinations, serve the public interest by minimizing the traffic load and the need for increased capacity in any one street. The following guidelines will apply in the Estero PD district:

(a) Public vs. Private Streets.

The public versus private nature of a street can vary. The following street classification is used in the Estero PD district:

(1) TYPE A: a *public street* that will be owned and maintained by the Village of Estero. Type A (public streets) must be dedicated to and accepted by the Village of Estero.

(2) 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 of Estero. The semi-public nature of these streets must be indicated on the plat and memorialized on such recorded easement:

(2) 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 must be indicated on the plat.

(b) Connecting Streets.

(1) 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 33-508(b)**. Sidewalks and regularly spaced street trees are required on both sides of connecting streets.

(2) The Framework Plan described in division 6 (**Figure 33-601**) identifies the approximate points where connecting streets in the Estero PD district must connect with surrounding streets (existing and future). The proposed internal alignment of connecting streets must be shown on the development plan and must provide reasonably direct routes to such connections.

(3) For development sites smaller than 10 acres, the connecting street must be constructed during the initial development phase.

(4) 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.

(5) Developers may propose a variety of different types of local streets in addition to connecting streets and streets behind/between pad or outparcel sites, however, except as specifically provided in Subsection (b)(2) below, all streets must 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.

(c) Street standards.

(1) Typical cross-sections of connecting streets are shown on **Figure 33-506 (c)** and are to be followed in all of the Tiers with respect to such streets. 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 Conditions are met, including without limitation, the goals of connectivity and walkability.

(2) 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 must be provided to the edge of the development tract and the street must 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 must allow these streets to be connected at such time as connections become feasible.

(3) Connecting Streets in all of the Tiers must be either 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 pads or outparcels must be Type B Semi-Public streets. All other local streets may be either Type B or Type C Private Streets as determined during the rezoning process.

(d) Streets for Pad or Outparcel Sites.

(1) Development plans may propose pad or outparcel sites along arterials and collectors for free-standing buildings, including commercial and mixed-use buildings. Pad sites may initially accommodate highway-oriented uses in the immediate future so long as they are configured in such a way as to not preclude future redevelopment at higher intensities in a compact walkable form.

(2) The following street requirements apply when pad or outparcel sites are proposed:

a. A parallel street (or reverse frontage road) must be provided immediately behind these sites to provide access to and from connecting streets and to integrate these sites with their surroundings.

b. A short perpendicular street must be provided between the arterial or collector road and the parallel street so that there are a reasonable number of access points to such parallel street so as to asssure 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.

(3) See also section 33-512(c)) which provides visible edge standards for pad sites.

(e) Utilities along Streets.

(1) Development plans should 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 land development code for utility easements if needed to allow the proposed placement of utilities.

(2) 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.

(3) Above-ground utility lines are prohibited in the Estero PD district.

Sec. 33-509. – 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 Estero PD 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 requirement set forth in Sec. 33-508 above, which requires that all connecting streets and other local streets connect into a network of streets, the result will be lots and blocks of land with differing sizes and dimensions. Such lots and blocks will be surrounded by some form of network of public streets, some of which will be Type A Public Streets or Type B Semi-Public Streets as set forth in Sec. 33-508(a).

(a) Based on the connectivity of the streets, developable land in Tier 1 will be divided into blocks. Each block may be surrounded in whole or in part by a publically accessible street. The streets surrounding such blocks may be straight, curved, or bent.

(b) Best practices for block perimeters in the Village Center Area will 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.

(c) 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:

(1). One side of the block faces an arterial or collector street or a railroad;

(2). The block contains or is bordered by a river, natural flow-way, wetlands, or indigenous plant community that is being preserved; or

(3). The block contains a lake or shared amenities for residents of that block.

(d) 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.

(e) The best practices for block perimeters 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.

Sec. 33 – 510. – Indigenous Plant Communities and the Estero River Buffer.

(a) Indigenous plant communities.

(1) Chapter 10 of this code requires large developments to preserve a portion of the indigenous plant communities that exist on their sites.

(a) Developments requesting the Estero PD district must indicate on their development plans the extent to which the indigenous cypress, oak, and cabbage palm plant communities that were on the site when the Village of Estero incorporated will be preserved. The Village of Estero 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 section 10-415(b).

(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.

(b) Estero River buffer.

(1) For land adjoining the Estero River, buildings and land alterations must maintain a separation area from the river. The minimum separation area is the larger of the following:

a. The full width of the regulatory floodway designated on the official flood maps adopted into Chapter 6 of this code; or

b. From the top of the river bank, 75 feet on the north side and 100 feet on the south side.

(2) Indigenous plant communities may not be cleared within the 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.

Sec. 33 – 511. – Surface Water Management.

(a) Development plans must 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.

(b) Development plans must 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.

(c) In Tier 2, development plans are encouraged to include deviations from the surface water management standards in Chapter 10 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.

(d) In Tier 3, best practices for compact surface water management include the same methods as in Tier 2, but also may include storm water detained underground or other advanced methods as may be feasible.

(e) The best practices for compact surface water management are to be viewed as goals to be attained where reasonable and feasible. In Tier 2 and Tier 3, where deviations may be encouraged to accomplish compact surface water management goals, developers must make reasonable efforts where feasible to seek and achieve similar deviations with regards to permitting requirements of South Florida Water Management District.

Sec. 33 – 512. – Visible Edges.

(a) 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 must 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 in Sec. 33-502 is to create public spaces along streets which enhance and incentivize the social vibrancy of the Village Center Area. The guidelines set forth herein are designed to achieve such goals.

(b) **Tier 1.** The following standards apply to the visible edges of development tracts that are nearby and visible from a connecting street or a collector road:

(1). Wherever feasible, buildings must 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 32-242(a) – (g)**, which are incorporated herein as requirements in all of the tiers.

(2). Private parking spaces and lots must 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.

(3). Building entrances must 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 must be reasonably related to the number of separate facilities in such building and must 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 must be shown in the Pattern Book relating to the appropriate Tier.

(4). Medium height solid walls or fences, not in excess of approximately 3.5 feet tall, may secure space between buildings, but must be contiguous with, and not project beyond, any adjacent building's front façade unless part of an exterior courtyard entrance.

(c) **Pad or Outparcel Sites.** The following standards apply to the visible edges of development tracts that are designated as pad or outparcel sites (see section 33-508(d):

(1). Buildings must be oriented to the parallel street and have at least one entrance in each building clearly visible from and directly accessible from the parallel street.

(2). 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.

(3). Pad or outparcel sites along an arterial or collector road must comply with all provisions of Sec. 33-51 through 33-477, including, without limitation, Sec. 33-337.

(d) **Tiers 2 and 3**: Visual edges along connecting streets and other local 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 (a) and (b) above, the following visible edge standards apply in Tier 2 along the edge of all connecting streets and other local streets:

(1). Buildings must have their principal street facade 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.

(2). Private parking spaces and lots must 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 a 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.

(3). Building entrances must be clearly visible from and directly accessible from the street.

a. One entrance must be provided for each single-family detached and attached dwelling.

b. At least one common entrance must be provided for each multifamily and non-residential building unless units have individual entrances.

(4) 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 6 feet in height.

(5) Medium height solid walls not in excess of approximately 3.5 feet tall may secure space between buildings but must be contiguous with, and not project beyond, any adjacent building's front façade unless part of an exterior courtyard entrance.

Sec. 33 – 513. – Tier 1 General Standards.

(a) **Use**. Except as otherwise limited hereby, development plans may propose any type of residential development in Tier 1 land that is allowed in the Village Center land use category and otherwise permissible by this land development code. The development plan must specify the proposed residential uses. In addition, only minimal non-residential uses may be proposed for Tier 1 land, and such non-residential uses must be entirely complementary and accessory to the proposed residential uses.

(b) **Tier 1- Only**. The following rules will apply to all Tier 1-only land. For purposes hereof, Tier 1-only land is that portion of the overall development parcel which is designated as Tier 1 and where Tier 2 or 3 has not been designated on top of Tier 1:

(1). The total number of dwelling units approved for Tier 1 land may be constructed only on Tier 1-only land and must meet the following requirements:

a. These dwelling units must be concentrated on no more than fifty percent (50%) of the Tier 1-only land.

b. The remaining fifty percent (50%) of the Tier 1-only land must be used for open space, surface water management, or held for potential future development in Tier 2 or Tier 3.

c. Land used for non-residential purposes under Tier 2 or Tier 3 will not be included in the acreage of Tier 1-only land when determining residential density as set forth in Sec. 33-505.

d. As Tier 1-only land is designated Tier 2 or Tier 3 on top of Tier 1 through a rezoning process, such land then becomes available for the development of additional higher density residential units and for non-residential development in accordance with the provisions thereof.

c). Access Control. If the development plans for a Tier-1 only 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:

(1). 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 must 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, the land development code, and the General Criteria set forth in Sec. 33-502 with respect to the Village Center Area may be adversely impacted in whole or in part by the access controls under such development plan.

(2). 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.

(3). 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. 33-505.

(d). 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 into and out of such development tract shall be considered as a part of the rezoning 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.

Sec. 33 – 514. – Tier 2 General Standards.

In addition to compliance with the underlying Tier 1 standards set forth, the following additional standards apply to land within the Estero PD district that is also approved for Tier 2.

(a) Primarily residential neighborhoods.

(1) 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.

a. Tier 2 can comprise a small compact neighborhood or can be applied in increments as parts of other neighborhoods.

b. 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. This non-residential allowance can accommodate gathering places (see section 33-515(b) which are highly desirable in Tier 2.

c. Land used for non-residential purposes will be included in the acreage of Tier 2 land area when determining residential density.

(2) Development plans must indicate where Tier 2 will be located on the development tract being rezoned. 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.

(b) Variety of housing types.

(1) 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), duplexes, apartment houses, row houses, live-work buildings, courtyard buildings, mixed-use buildings, pedestal buildings, and towers.

(2) 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 rezoning except that the location of buildings taller than 45 feet must be identified.

(c) Public Civic Spaces.

(1) The provision of publicly accessible civic spaces is optional in Tier 1 and is mandatory in both Tiers 2 and 3. Civic spaces must be strategically placed to encourage

public activity. Development plans must indicate the proposed type and location of civic spaces.

(2) Publicly accessible civic spaces may include greens, squares, plazas, neighborhood parks, playgrounds, community gardens, trails, nature preserves, etc. (see subsections 32-262(a) and (b)).

Sec. 33 – 515. – Tier 3 General Standards.

In addition to compliance with the underlying Tier 1 and Tier 2 standards, the following additional standards apply to land within this zoning district that is also approved for Tier 3.

(a) Greater mix of uses.

(1) Tier 3 accommodates mixed-use neighborhoods with similar attributes as Tier 2 but with significant non-residential uses. Development plans must include non-residential uses in Tier 3 at a reasonably significant level.

(2) Development plans must indicate where Tier 3 will be located on the site being rezoned. 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.

(3) Land in Tiers 2 and 3 used for non-residential purposes will be included in the acreage of Tier 3 land area when determining residential density; land used for Type C private streets will not be included.

(b) Gathering places.

(1) The provision of publicly accessible gathering places is strongly encouraged in Tiers 1 and 2 and is mandatory in Tier 3.

(2) Development plans must indicate the proposed type and location of gathering places, which should be strategically placed to encourage activity.

(3) Gathering places allow the general public to congregate; examples include, without limitation:

a. Outdoor spaces such as parks, plazas, and farmers markets.
b. Cultural venues such as theaters and museums.
c. Civic spaces that include meeting rooms.
d. Businesses such as restaurants, coffee shops, and fitness centers.
e. Religious and social institutions.
f. Amenities adjoining sidewalks and trails such as benches, exercise stations, and gazebos.

Sec. 33-516. – Tier 4 General standards.
The additional standards described above apply to Tiers 1, 2, and 3 only. Land approved for Tier 4 must meet the standards in Chapter 32 of this land development code.

Sec. 33-517. – Architectural Diversity and High Quality Development.

(a) Architectural design and landscaping design are both seen as important to meet the General Criteria in Sec. 33-502. 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.

(b) Architectural variety of buildings and unique approaches to design and structure are valued under these standards. While the design standards set forth in the Estero Community Plan and the land development plan require the developer to choose either a Mediterranean or Old Florida design for buildings in the Village, 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.

(c) 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.

(d) 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 Estero PD district.

(e) Similar to the requirement of high quality and sustainability of a development plan, the sensitivities of such plan to the 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.

(f) 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 Estero PD district. By requiring all development to be designated as Tier 1 and allowing further, more intense development with higher

residential densities and non-residential uses in Tiers 2 and 3, 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.

Sec. 33-518. – Public benefits and Incentive Offers.

(a) **Additional Densities.** Applicants requesting either the Estero PD district or the Compact Planned Development district may choose to make various incentive offers to the Village to advance the public benefits of their unique development proposals. Sec. 33-505 sets forth the maximum residential densities in each of the Tiers under the Estero PD district. These maximum residential densities include Base Densities if all requirements of the applicable Tier are met, and also Additional Densities if both all requirements of the applicable Tier are met and incentive offers are accepted by the Village as providing significant public benefits.

(b) **Village Determination.** Incentive offers in connection with rezonings or other applications in the Estero PD district are entirely voluntary on the part of applicants as a means to achieve maximum residential densities allowable under Sec 33-505 with respect to a development plan. In each case of incentive offers made to the Village, the 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 under Sec. 33-502, 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 in shall be set out in writing by the Village as a part of its decision to rezone property to the Estero PD district (a "Determination").

As a part of the making of a Determination, with respect to the approval or denial or approval with conditions 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.

(c) **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 is 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.

(d) **Value of Incentive Offers**. 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.

The fact that an incentive offer is not listed or enumerated as a type of incentive offer that has been valued by the Village should 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 8' or more multi-modal path would have a significantly higher value and public benefit that a 6' bike path/sidewalk even though both types of bike/hike paths are considered as having a high value overall.

(e) **Tier 1 Incentive Offers:**

(1) Interconnectivity. (High Value) In Tier 1, the level of connectivity has the highest value to the Village in terms of overall pubic 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 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.

(2) Preserve additional indigenous vegetation. (Low-Medium Value). Protect more indigenous habitat for properties where such habitat is present.

(3) Off-site public improvements. (Medium Value). Off-site improvements such as cross walks, protected bike lanes, protected intersections (Dutch Intersection),

landscaping of street medians, street beautification including planting strips, street hardscapes, etc.

(4) Enhanced site landscaping. (Low-Medium Value). Landscaping of the development site significantly in excess of land development code requirements.

(5) Enhanced Street Design. (Medium-High Value). Sidewalks a minimum of 6' wide on both sides of street if residential or a minimum of 8' wide on both sides of the street if non-residential.

(6) Public civic spaces. (Medium-High Value). Some level of the on-site development parcel is dedicated to public civic spaces

(f) **Tier 2 Incentive Offers.**

(1) 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.

(2) Gathering places. (Medium-High Value). See Sec. 33-515(b) for description.

(3) 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.

(4) Enhanced Estero River Buffer. (High Value). Incentive offers which create a wider buffer or separation area from the Estero River than required are highly valued.

(4) Site for civic building. (Medium Value). Donation of a building site for a civic building such as a transit station or village hall.

(5) 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 land development code 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.

(g) **Tier 3 Incentive Offers.**

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

(2) Off-street parking. (Medium-High Value). Development plans with deviation requests for reduced parking levels which are accompanied with plans for either 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 parking level requirements under the land development code.

(3) 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.

(4) Off-site civic spaces. (Low-Medium Value). Construction of civic spaces off-site are seen as a lower value than on-site civic spaces.

(5) Cultural Spaces. (High Value). Offers to create or facilitate cultural activities in the Village Center Area are highly valued.

(6) Historic Preservation. (High Value). Offers to enhance historic preservation of historically significant structures, especially those near the Estero River, at highly valued.

(h) **Tier 4 incentive offers.**

(1) 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.

(2) Other offers. Developers seeking Tier 4 may also choose any of the incentive offers listed for Tiers 1, 2, or 3.

Sec. 33-519. – Uses.

(a) **General Provisions**. In lieu of the methods for assigning land uses set forth in Division 9 of Chapter 34 of the land development code, requests for rezoning and other forms of land use determinations in the Estero PD Zoning District shall comply with the use provisions set forth in this Sec. 33-519.

(b) The uses permitted under Table 33-519(b) may be permitted in the Estero PD Zoning District when consistent with the goals, objectives, and policies of the comprehensive plan for the land use category in which the property is located, 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 33-519(b) may also be permitted if, in the opinion of the Village, they are substantially similar to a listed permitted use.

Sec. 33-520 – Approval Process for Rezonings and other Land Use Applications in the Estero PD Zoning District.

(a) **General Provisions.**

(1) The Charter for the Village provides, in part, that all powers and duties of the Lee County Department of Community Development, the Lee County Hearing Examiner, and the Board of County Commissioners of Lee County, as set forth in the land development code, shall be vested in the Village Council until such time that the Council delegates all powers and duties, or a portion thereof, to another agency, department or entity.

(2) Pursuant to Ordinance 2015-01, the Village of Estero has created two land use boards, the Planning and Zoning Board ("PZB") and the Design Review Board ("DRB") and has delegated certain of its powers under the Charter for purposes of the land development code to such land use boards, as more specifically set forth therein. Ordinance 2015-01 specifically overrides any conflicting provisions of any ordinances of Lee County which are in conflict with any of the provisions of such Ordinance.

(3) Under Ordinance 2015-01, the PZB is empowered, among other actions, to hold hearings and to advise the Village Council on applications for rezonings. Likewise, the DRB is empowered, among other things, to approve or disapprove applications for development orders under the land development code.

(4) With respect to applications for rezoning under the Estero PD district, the DRB is hereby additionally empowered, to advise the PZB with respect to the compliance of the Pattern Book required by Section 33-507 hereof with the General Criteria set forth in Section 33-502, and as to how the development plan to be delivered in connection with such application, even at the more conceptual stage of approval for rezoning complies, with the General Criteria for the DRB set forth in Sec. 3-4 of Ordinance 2015-01. In furtherance of such advice to the PZB, the DRB shall hold a public hearing to determine such advice to the PZB, but shall not be required to hold a pubic information workshop under Sec. 3-3(3) of such Ordinance prior to or with respect to such public hearing. Such advice to the PZB shall not be deemed to affect the responsibilities of the DRB with respect to the approval, approval with conditions, or disapproval of a subsequent development order with respect to the property seeking rezoning when the plans and specifications for such development order become more specific. At such time the DRB shall again consider both the compliance with the General Criteria as set forth in Section 33-502 and its own General Criteria under said Ordinance 20i5-01.

Secs. 33-521—33-600. - Reserved.

DIVISION 6. – FRAMEWORK PLAN

Sec. 33-601. – 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. Figure 33-601 is the framework plan for Village Center Area.

Sec. 33-602. - Applicability.

Development plans prepared for Compact Planned Development and Estero PD district zoning requests must demonstrate their compliance with all required aspects of the framework plan, or a substantially similar network.

Secs. 33-603—33-1000. - Reserved.

~~**Article III. – Greater Pine Island**~~

~~**Article IV. - Page Park Planning Community**~~[2]

~~**Article V. - Lehigh Acres Planning Community**~~

~~**Article VI. - Matlacha Residential Overlay**~~

~~**Article VII. - Caloosahatchee Shores Planning Community**~~

~~**Article VIII. - North Fort Myers Planning Community**~~

~~**Article IX. - Captiva**~~

~~**Article X. - North Olga**~~

~~**Article XI. - Upper Captiva**~~

Chapter 34 – ZONING

Article IV. – Supplementary District Regulations

DIVISION 12. – DENSITY

Subdivision II. – Residential Development

Sec. 34-1494. - Density equivalents.

(a) **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. In situations where the Lee Plan does not specify a standard density range, such as the interchange areas, the permissible density equivalents may not exceed ten dwelling units per acre.

(b) **Equivalency factors:**

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

(2) Except as may be specifically set forth elsewhere in this chapter, where health care, social service, adult living facilities (ALF), continuing care facilities (CCF), or other "group quarters" (df) 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 four people equals one dwelling unit.

A planned development, for which the 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 administrative amendment

that will be deemed to not increase density and may be approved pursuant to section 34-380(b) 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.

(3) Notwithstanding subsection (b)(2) above, no density equivalency calculation is required for a bed and breakfast (df) in an owner-occupied conventional single-family residence (df) 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.

(4) Notwithstanding subsection (b)(2) above, no density calculation is required for hospital, prison, jail, boot camp, detention center, or other similar type facility owned or operated by a County, state or federal agency.

(5) Where dwelling or living units have "lock-off accommodations," density will be calculated as follows:

a. Hotels/motels: "Lock-off units" will be counted as separate rental units regardless of size.

b. Timeshare units: Lock-off units will be counted as separate dwelling units whether or not they contain cooking facilities, as follows:

i. Studio units will be counted as 0.1 dwelling units;

ii. One bedroom units will be counted as 0.25 dwelling units;

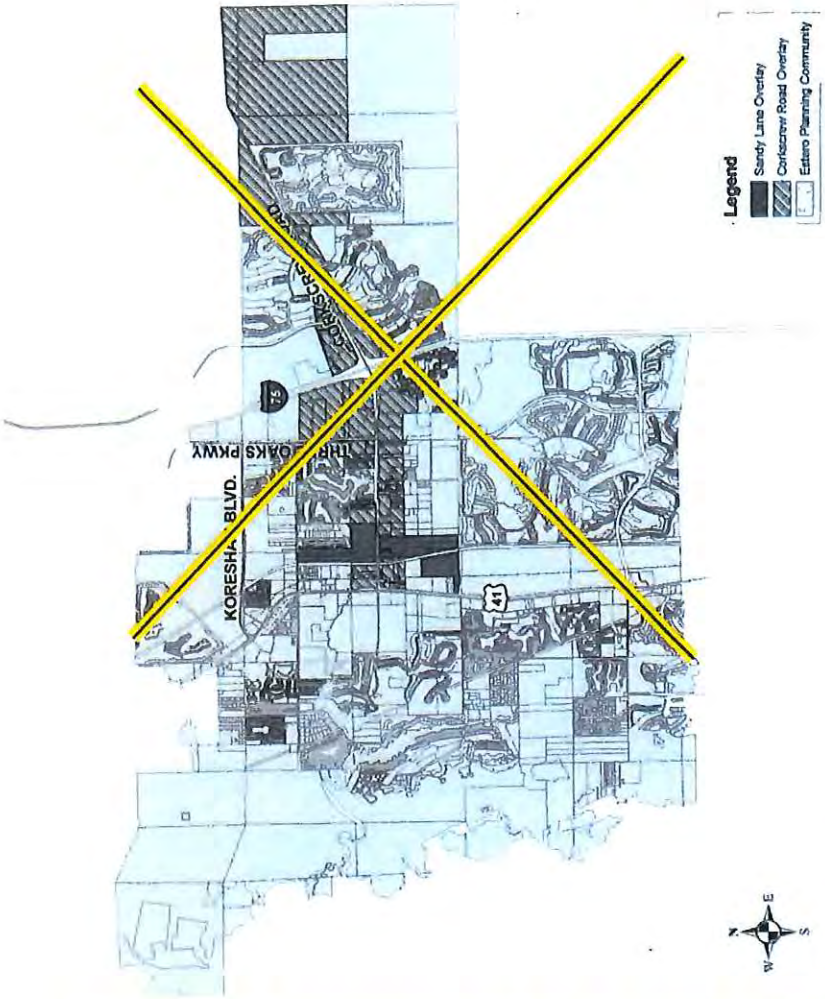
iii. Two bedroom units will be counted as 0.5 dwelling units;

iv. Three or more bedrooms will be counted as a full dwelling unit.

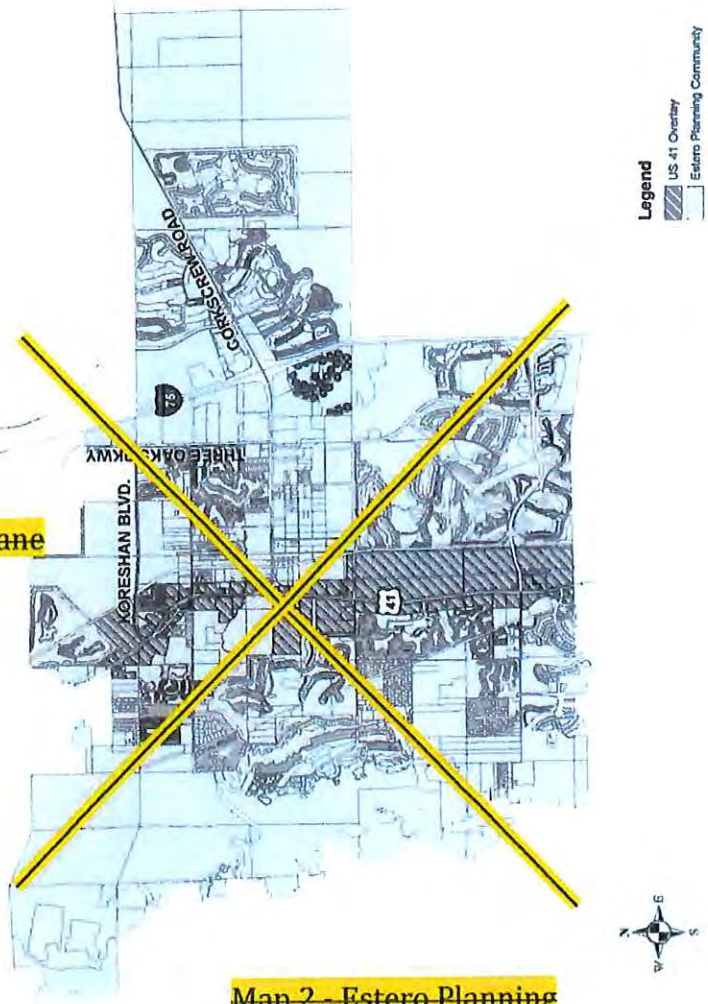
<u>(6) Where dwelling or living units are smaller than 750 square feet, density will be calculated by counting each unit as 0.5 dwelling units.</u>

(c) **Determination of permitted density.** The maximum permitted density shall be determined by multiplying the number of dwelling units permitted (see subsection (a) of this section) by the appropriate equivalency factor.

~~APPENDIX I - Planning Community and Redevelopment Overlay District Boundaries and Legal Descriptions~~



~~Map 1 - Estero Planning Community, Corkscrew/Sandy Lane Overlay~~



~~Map 2 - Estero Planning Community, US 41 Overlay~~

~~**Map 3 - San Carlos Island Overlay District**~~

~~**Map 4 - San Carlos Island Zoning Overlay**~~

~~**Map 5 - Greater Pine Island Community Plan**~~

~~**Map 6 - Page Park Community Overlay Map**~~

~~**Map 7 - North Fort Myers Planning Community, Neighborhood Center #1**~~

~~**Map 8 - North Fort Myers Planning Community, Neighborhood Center #2**~~

~~**Map 9 - North Fort Myers Planning Community, Neighborhood Center #3**~~

~~**Map 10 - North Fort Myers Planning Community, Neighborhood Center #4**~~

~~**Map 11 - North Fort Myers Planning Community, Neighborhood Center #5**~~

~~**Map 12 - North Fort Myers Planning Community, Neighborhood Center #6**~~

~~**Map 13 - North Fort Myers Planning Community, Neighborhood Center #7**~~

~~**Map 14 - Caloosahatchee Shores Planning Community**~~

~~**Map 15 - Caloosahatchee Shores Planning Community: State Route 80 Corridor Overlay**~~

~~**Map 16 - Matlacha Residential Overlay**~~

~~**Map 17 - Upper Captiva LDC Boundary**~~

LAND DEVELOPMENT CODE AMENDMENTS

DRAFT, MAY 24, 2016

EXHIBITS

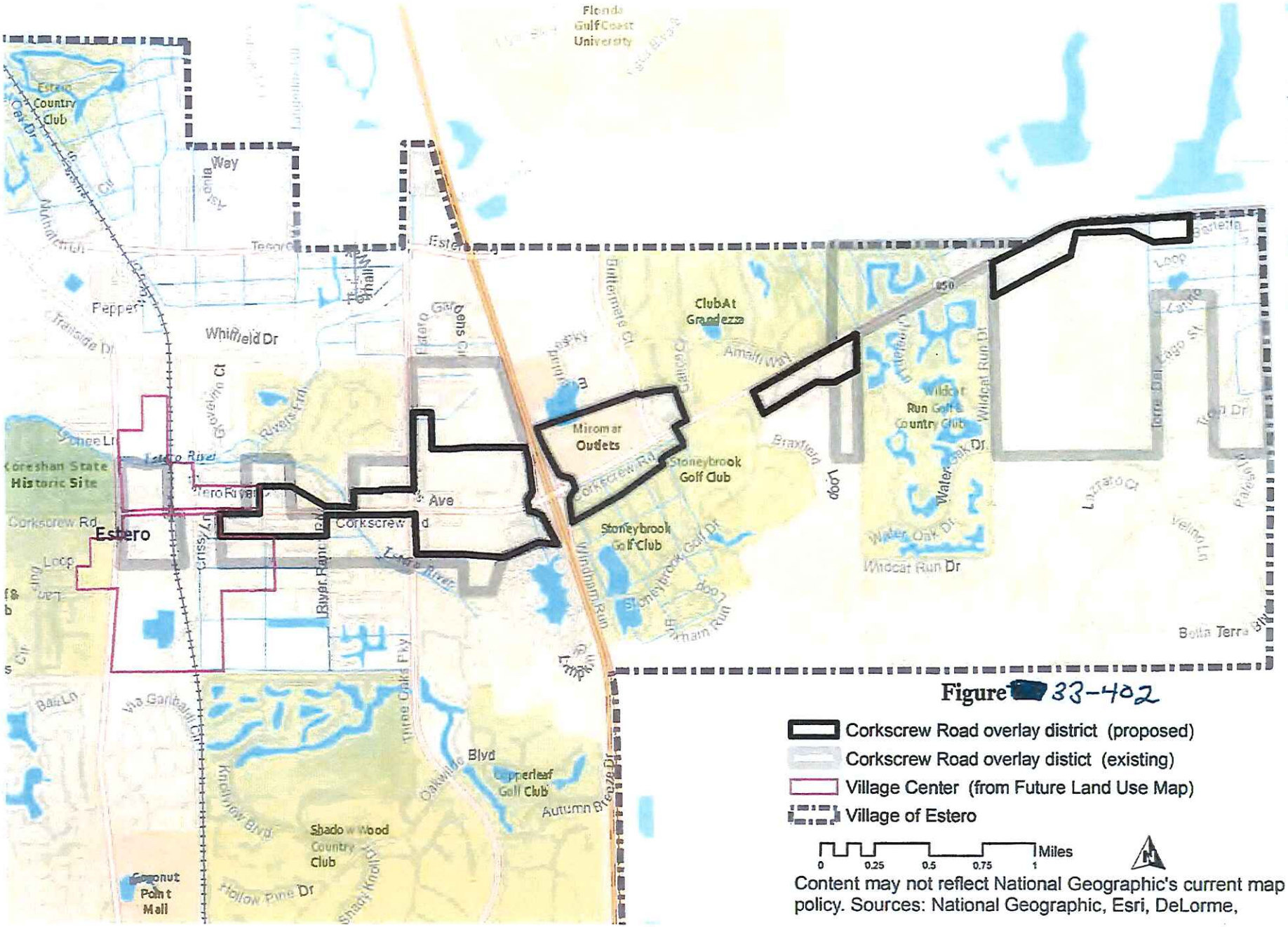


Figure [redacted] 33-402

Corkscrew Road overlay district (proposed)

Corkscrew Road overlay distict (existing)

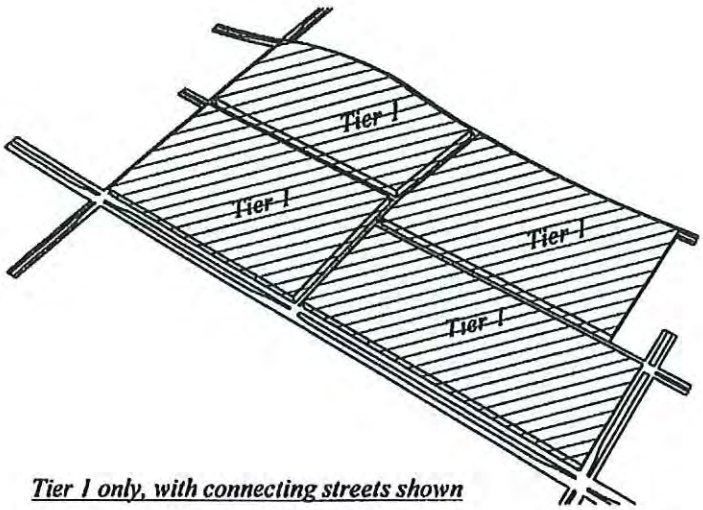
Village Center (from Future Land Use Map)

Village of Estero

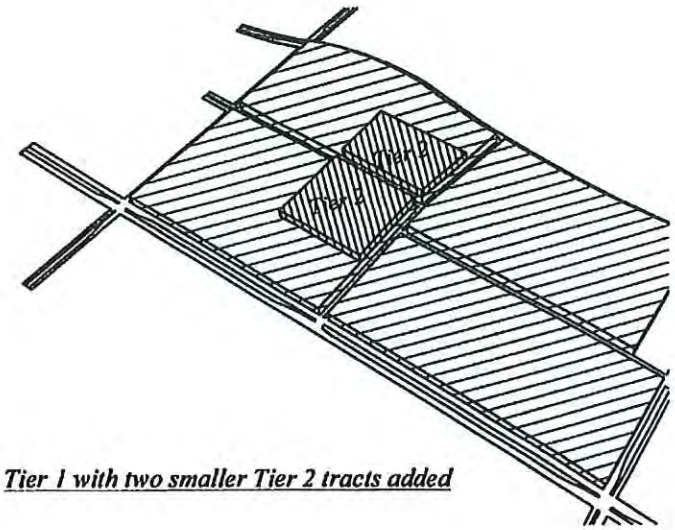
0 0.25 0.5 0.75 1 Miles

Content may not reflect National Geographic's current map policy. Sources: National Geographic, Esri, DeLorme,

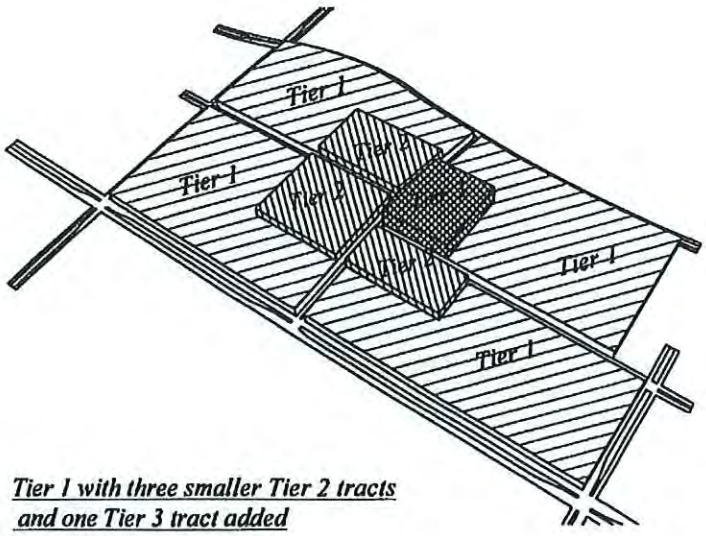
Figure 33-504(b)



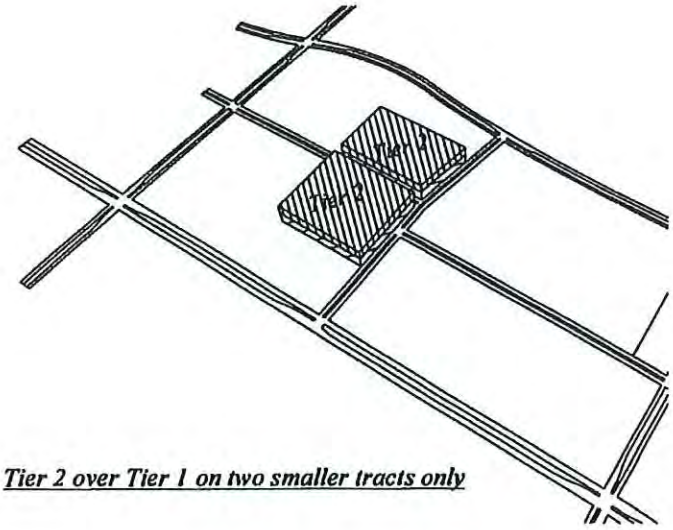
Tier 1 only, with connecting streets shown



Tier 1 with two smaller Tier 2 tracts added

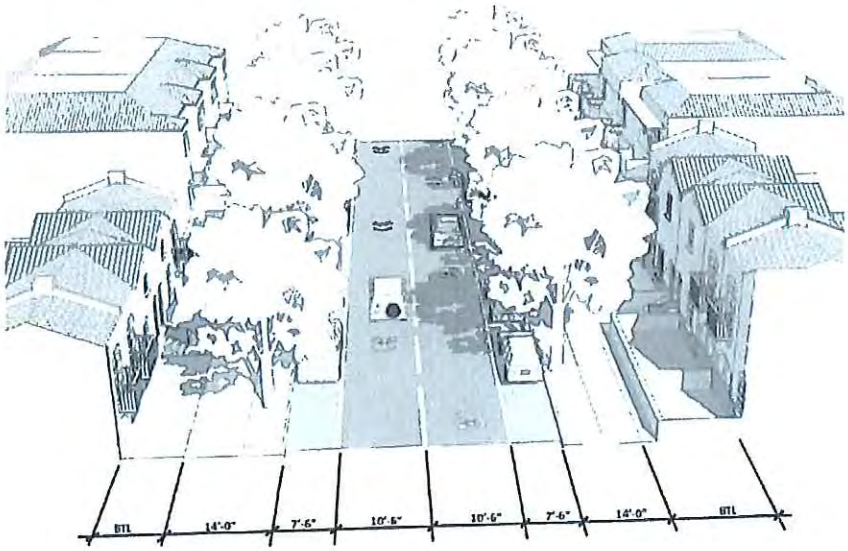


Tier 1 with three smaller Tier 2 tracts and one Tier 3 tract added

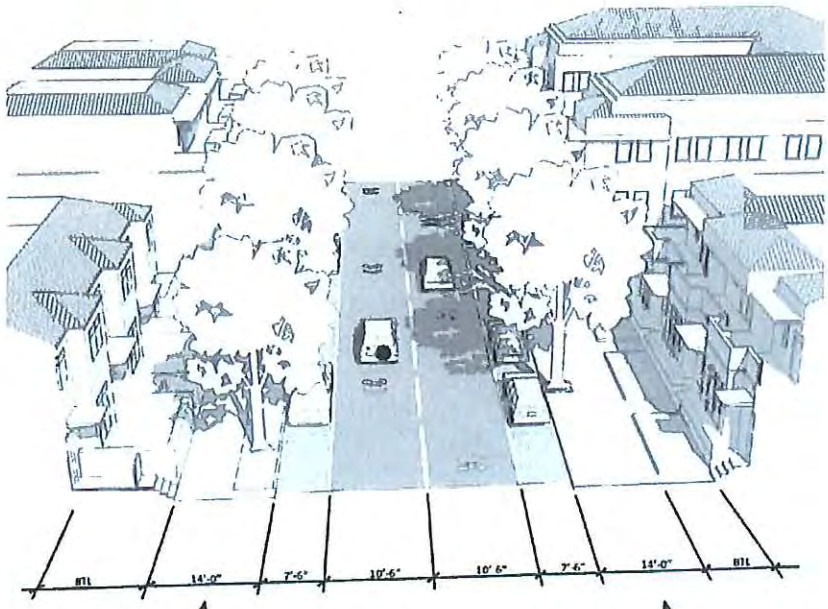


Tier 2 over Tier 1 on two smaller tracts only

Figure 33-506(c): 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

Figure 33-508(b) Connecting Streets.

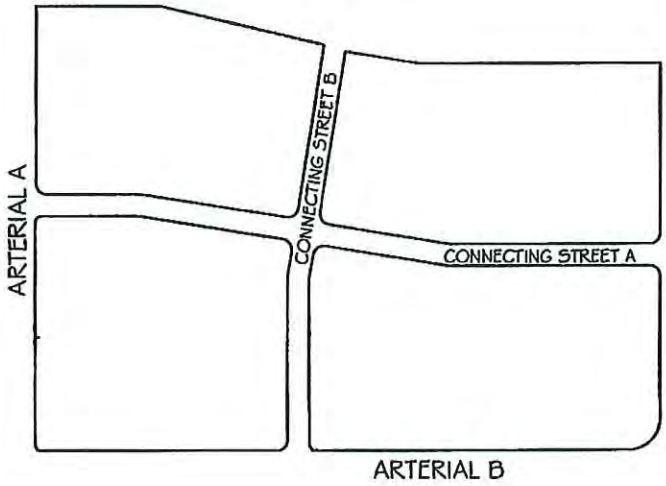


Table 33-519(b)
Use Regulations Table
EPD Planned Development District

	Special Notes or Regulations	EPD
Accessory uses and structures	Note (1), 34-1171 et seq., 34-2441 et seq., 34-1863, 34-2141 et seq., 34-3106	P
Accessory Apartment	Note (2), (21), & (28), 34-1177	P
Administrative Offices	Note (1)	P
Agricultural Services: Office/Base Operations		P
Agricultural Uses and Agricultural Accessory Uses		P
Aircraft Food Services and Catering		-
Aircraft Landing Facilities, Private	34-1231 et seq.	-
Airport Operations Facilities		-
Amateur Radio Antennas and Satellite Earth Stations	34-1175	
Amusement Park		-
Animals:		
Clinic or Kennel	34-1321 et seq.	P
Control Center (Including Humane Society)		P
Keeping and Breeding of Class I or Class II Animals (df)	34-1291 et seq.	-
Assisted Living Facility	Note (35) & (47) 34-1491 et seq., 34-1411	P
ATM (Automatic Teller Machine)		P
Auto Parts Store	34-1353	P
Automobile Repair and Service (34-622(c)(2)), all groups	34-1351, 34-1353 Note (41)	P
Automobile Service Station	Note (41), 34-1351, 34-1353	P
Bait and Tackle Shop	Note (49)	P
Banks and Financial Establishments (34-622(c)(3)):		
Group I		P
Group II		P
Bar or Cocktail Lounge	34-1261 et seq.	P
Bed and Breakfast (df)	Note (28), 34-1494	P
Boarding House	Note (28)	-
Boats:		
Boat Parts Store		P
Boat Ramps and Dockage (not Marinas)		P
Boat Rental		P
Boat Repair and Service	34-1352, 34-3001 ET SEQ.	P
Boat Sales		-
Boat Storage, Dry		-

Boatyard	Note (5)	-
Broadcast Studio, Commercial Radio and Television	34-1441 et seq.	P
Building Material Sales (34-622(c)(4))	34-3001 et seq.	-
Business Services (34-622(c)(5)):		
Group I		P
Group II	Note (12), 34-1352	P
Bus Station/Depot	34-1381 et seq.	P
Camping Cabins	Note (28)	P
Caretaker's Residence	Note (34)	P
Car Wash	34-1353	P
Cemetery, Columbarium, Mausoleum		-
Cleaning and Maintenance Services (34-622(c)(7))		P
Clothing Stores, General (34-622(c)(8))		P
Clubs:		
Country		P
Commercial		P
Fraternal, Membership Organization	34-2111	P
Private	34-2111	P
Cold Storage, Pre-cooling, Warehouse and Processing Plant		-
Commercial Fishery		-
Commercial Use of Beachfront Seaward of the Coastal Construction Control Line	Note (7), 34-3151	-
Communication Facility, Wireless	34-1441 et seq. Note (22)	
Community Gardens	34-1716	AA
Community Residential Home	Note (35)	P
Compact Community	Note (48)	
Computer and Data Processing Services		P
Consumption on Premises	34-1261 et seq., Note (49)	P
Continuing Care Facilities	Note (28), 34-1414	P
Contractors and Builders (34-622(c)(9)), all groups	34-1352, 34-3001 et seq.	P
Convenience Food and Beverage Store	34-1353	P(27)
Correctional Facility	Note (28)	-
Cultural Facilities (34-622(c)(10))		P
Day Care Center, Child, Adult	Note (28)	P
Department Store		P
Dormitory	Note (28)	-
Drive-Through Facility for any permitted use		P
Drugstore, Pharmacy		P
Dwelling Unit:		
Live-Work	34-1773	P

Single-Family	Note (29)	P
Duplex	Note (29) & (43)	P
Two-Family Attached	Note (28) & (43)	P
Townhouse, Multiple-Family Building	Note (28)	P
Mobile Home	Note (29)	P
Zero Lot Line	Note (28)	P
Entrance Gates and Gatehouse	34-1741 et seq.	P
Emergency Operations Center		P
EMS, Fire or Sheriff's Station		P
Essential Services	Note (1), 34-1611 et seq., 34-1741 et seq.	P
Essential Service Facilities (34-622(c)(13)):		
Group I	Note (1), 34-1611 et seq., 341741 et seq., 34-2141 et seq.	P
Group II	Note (1) & (45), 34-1611 et seq., 34-1741 et seq., 34-2141 et seq.	P
Group III	Note (1), 341611 et seq., 34-1741 et seq., 34-2141 et seq.	P
Excavation:		
Mining	Note (44), 12-101 et seq.	-
Water Retention	34-1651	P
Oil or Gas	34-1651	-
Excess Spoil Removal	Note (42), 10-329	P
Factory Outlets (Point of Manufacture Only)		P
Farm Equipment, Sales, Storage, Rental or Service		-
Farm Labor Housing	Note (33), 34-1891 et seq.	-
Feed or Fertilizer, Mixing and Sales		-
Fences, Walls	Note (1), 34-1741 et seq.	P
Fish House, Wholesale		-
Fishing Piers		P
Flea Market:		
Open		-
Indoor		-
Food and Beverage Service, Limited	Note (1)	P
Food Stores (34-622(c)(16)):		
Group I	Note (49)	P
Group II	Note (49)	P
Forestry Tower		P
Fraternity House	Note (28)	-
Freight and Cargo Handling Establishments (34-622(c)(17))		-
Funeral Home and Mortuary (with or without a crematory)		P
Gasoline Dispensing System, Special		P
Gift and Souvenir Shop	Note (49)	P
Golf Course		P
Golf Driving Range		P
Hardware Store		P

Hatcheries, Poultry		-
Health Care Facilities (34-622(c)(20)):		
Group I	Note (28) & (47)	P
Group II	Note (28) & (47)	P
Group III		P
Group IV	Note (28) & (47)	P
Heliport or Helistop		P
Hobby, Toy, and Game Shops (34-622(c)(21))		P
Home Care Facility	Note (1) & (28)	P
Home Occupation	Note (1) & (31), 34-1771 et seq.	P
Hospice	Note (28)	P
Hotel/Motel	34-1801 et seq., Note (36)	P
Household and Office Furnishings (34-622(c)(22)), all groups		P
Housing Units for Employees Only	Note (33)	P
Impound yard	34-1831 et seq., 34-2443	-
Insurance Companies (34-622(c)(23))		P
Laundry or Dry Cleaning (34-622(c)(24)):		
Group I		P
Group II		P
Lawn and Garden Supply Stores	34-2081	P
Library	Note (28)	P
Maintenance Facility (Government)		P
Manufacturing of:		
Apparel Products (34-622(c)(1))	Note (5)	P
Boats	Note (5)	-
Chemical and Allied Products (34-622(c)(6))		-
Group I	Note (5)	-
Group II	Note (5)	-
Electrical Machinery and Equipment (34-622(c)(11))	Note (5)	-
Fabricated Metal Products (34-622(c)(14)):		-
Group I	Note (5)	-
Group II	Note (5)	-
Group III	Note (5)	-
Food and Kindred Products (34-622(c)(15)):		
Group I	Note (5)	-
Group II	Note (5)	-
Group III	Note (5)	-
Furniture and Fixtures (34-622(c)(18))	Note (5)	-
Leather Products (34-622(c)(25)):		

Group I	Note (5)	-
Group II	Note (5)	-
Lumber and Wood Products (34-622(c)(26)):		
Groups I, III, IV, V and VI	Note (5)	-
Group II	Note (5)	-
Machinery (34-622(c)(27)), all groups	Note (5)	-
Measuring, Analyzing and Controlling Instruments (34-622(c)(28))	Note (5)	-
Novelties, Jewelry, Toys and Signs (34-622(c)(29)), all groups	Note (5)	-
Paper and Allied Products (34-622(c)(31))		
Group I	Note (5)	-
Group II	Note (5)	-
Group III	Note (5)	-
Petroleum (34-622(c)(34))	Note (5)	-
Primary Metal Industries (34-622(c)(35))	Note (5)	-
Rubber and Plastic Products (34-622(c)(44)):		
Group I	Note (5)	-
Group II	Note (5)	-
Stone, Clay, Glass and Concrete Products (34-622(c)(48)):		-
Group I	Note (5)	-
Group II	Note (5)	-
Group III	Note (5)	-
Group IV	Note (5)	-
Textile Mill Products (34-622(c)(50)), all groups	Note (5)	-
Tobacco Products (34-622(c)(51))	Note (5)	-
Transportation Equipment (34-622(c)(52)):		
Group I	Note (5)	-
Groups II, III and IV	Note (5)	-
Marina	34-1862	-
Medical Office		-
Mobile Home Dealers	34-1352	-
Models:		
Display Center	34-1951 et seq.	P
Model Home	34-1951 et seq.	AA
Model Unit	34-1951 et seq.	AA
Motion Picture Production Studio		P
Multislip Docking Facility		P
Nightclubs	34-1261 et seq.	P
Nonstore Retailers (34-622(c)(30))< all groups		P
Parcel and Express Services		P

Package Store	34-1261 et seq.	P
Paint, Glass and Wallpaper		P
Parks (34-622(c)(32)):		
Group I		P
Group II		P
Park Trailers	Note (28)	-
Parking Lot:		
Accessory		P
Commercial		P
Garage, Public		P
Park-and-Ride	34-1388	P
Temporary	34-2022	P
Personal Services (34-622(c)(33)):		
Group I	34-3021	P
Group II		P
Group III		P
Group IV		P
Pet Services		P
Pet Shop		P
Pharmacy		P
Photofinishing Laboratory	Note (5)	P
Place of Worship	Note (28), 34-2051 et seq.	P
Plant Nursery	34-2081	P
Post Office		P
Printing and Publishing (34-622(c)(36))	Note (5)	P
Prison	Note (28)	-
Processing or Packaging of Agricultural or Fish Products	Note (5)	-
Processing and Warehousing		-
Racetracks (34-622(c)(37)):		
Group I		-
Group II		-
Real Estate Sales Office	Note (23), 34-1951 et seq., 34-3021	P
Recreation Facilities:		
Commercial (34-622(c)(38)) Groups I, III		P
Commercial (34-622(c)(38)) Group IV		P
Group V		P
Personal	Note (1)	P
Private-on-Site	Note (1)	P
Private-off-Site	Note (1)	P
Recreational Vehicles	Note (28)	-
Recycling Facility		-
Religious Facilities	Note (28), 34-2051 et seq.	P
Rental or Leasing Establishment (34-622(c)(39)):		
Group I	34-1352. 34-3001 et seq., Note (49)	P
Group II	34-1201 et seq., 34-1352, 34-3001 et seq.	P
Group III	34-1352, 34-3001 et seq.	P
Group IV	34-1201 et seq., 34-1352, 34-3001 et seq.	P
Repair Shops (34-622(c)(40)):		

Group I		P
Groups II, III, IV		P
Group V		P
Research and Development Laboratories (34-622(c)(41)):		
Group I		P
Group II		P
Group III		P
Group IV		P
Residential Accessory Uses (34-622(c)(42))	Note (1) & (31), 34-1171 et seq.	P
Resource Recovery Facilities:		-
Recovery Facilities to Produce Energy Recovery Facilities, Other	34-3001 ET SEQ.	-
Restaurant, Fast Food	34-1353	P
Restaurants (34-622(c)(43)):		
Groups I and III		P
Group II		P
Group IV		P
Retail and Wholesale Sales, when clearly incidental and subordinate to a permitted principal use on the same premises		P
Rooming House	Note (28)	-
Salvage and Disposal of Materials, including auto junkyards, refuse disposal and processing plants, incinerators, landfills and similar uses		-
Sanitary Landfill	Note (5)	-
Schools:		
Commercial (34-622(c)(45))	34-2381	P
Non Commercial	Note (28), 34-2381	P
Self-Service Fuel Pumps	Note (24)	P
Shredding and Composting of Vegetative Matter	34-1831 et seq.	-
Signs in Accordance with Chapter 30 and 33	Note (1)	P
Social Services (34-622(c)(46)):		
Group I		P
Group II		P
Group III	Note (28) & (47)	-
Group IV	Note (28) & (47)	P
Specialty Retail Shops (34-622(c)(47)):		
Group I		P
Group II		P
Group III		P
Group IV		P
Stable:		
Boarding	34-1291 et seq.	P
Commercial	34-1291 et seq.	P
Private	34-1291 et seq.	P

Storage:		
Indoor Only	Note (1), 34-3001 et seq.	P
Storage, Open	Note (5), 34-3001 et seq. 34-1352	P
Large-Scale Storage of noxious or hazardous materials (flammable, toxic, explosive, corrosive, etc.), including liquid petroleum, fractions and distillates thereof, and fuel gases	Note (5), 34-3001 et seq.	-
Studios (34-622(c)(49))		P
Tactical Training	34-2471	P
Temporary Uses	Note (1), 34-3041 et seq.	P
Tents, Transient Parks Only	Note (28)	P
Theater, Indoor or Outdoor (drive-in)	Note (32), 34-2471 et seq.	P
Timeshare Units	Note (28), 34-1494, 34-2020(a)	P
Transportation Services (34-622(c)(53)):		
Group I		P
Group II		P
Group III		P
Group IV		P
Truck Stop, Trucking Terminal		-
Used Merchandise Stores (34-622(c)(54)):		
Group I		P
Groups II, III and IV		P
Variety Store		P
Vehicle and Equipment Dealers (34-622(c)(55)):		
Groups I, II and III	34-1352	P
Group IV	34-1352	-
Group V	34-1352	-
Warehouse:		
High Cube		-
Mini-Warehouse		-
Private		-
Public		-
Cold Storage Only		-
Wholesale Establishments (34-622(c)(56)):		
Groups I, III and IV		-
Group II		-
Wrecking Yard:		-
Auto		-
Other		-

Notes:

(1) If use or structure is customarily accessory to an approved permitted use it does not need to be shown on the master concept plan.

(2) Permitted only when accessory to a lawfully permitted single-family dwelling unit.

(3) If not shown on the master concept plan, but included in the approved list of enumerated uses, this use may be approved administratively, at the Director's discretion, or as a planned development amendment after approval of the master concept plan.
(4) Subject to limitations for commercial uses set forth in section 34-937.
(5) If the use or activity does not conform to the criteria set-forth in section 34-938, then it is subject to the setback requirements set forth in sections 34-935(b)(4) and 34-2441 et seq.
(6) Limited to non-transient parks only.
(7) Uses anticipated include boat rentals (inflatables, sailboats, jet skis, windsurfers and the like) food stands, rental of cabanas and beach furniture, outdoor amusements including balloonist, seaplane rides, ski tows and similar activities, fishing and sightseeing piers and towers.
(8) Permitted as an accessory use when designed and intended primarily for use by people staying at the recreational vehicle development.
(9) Permitted only when accessory to an airport or other transportation facility, hotel or motel, or an office complex of 50,000 or more square feet.
(10) Permitted only in conjunction with at least 50,000 square feet or more of commercial or industrial uses.
(11) Not permitted within 500 feet of nearest residence.
(12) Automobile auctions, on-site or internet, are permitted only when all vehicles are stored inside. Projects with outdoor storage will be considered vehicle and equipment dealers, group I, and must comply with section 34-1352.
(13) Reserved.
(14) Park-trailers permitted in non-transient parks only.
(15) Limited to recreational vehicles, trailers, boats, and other vehicles and goods belonging to park residents.
(16) Limited to airplane fuels or other approved fuel storage terminals.
(17) Limited to recreational vehicles only.
(18) Reserved.
(19) Only when clearly subordinate to a cemetery located on the same premises.
(20) Recreational vehicle sites in mobile home planned developments (MHPD) must be designated on the approved master concept plan. All recreational vehicles approved as part of a MHPD are subject to the regulations in sections 34-762 through 34-766 and 34-1179.
(21) In RPDs, MHPDs and residential areas MPDs, a special exception is required.
(22) Wireless communication facilities must be listed on the approved schedule of uses for the planned development; however, approval of a specific facility must be in accordance with section 34-1441, et seq.
(23) Real estate sales offices in residential areas are limited to sales of lots, homes or units within the development, except as may be permitted in section 34-1951 et seq. The location of, and approval for, the real estate sales office will be valid for a period of time not exceeding five years from the date the certificate of occupancy for the sales office is issued. The Director may grant one two-year extension at the same location.
(24) Two pumps are permissible as an accessory use to businesses to provide fuel for their own fleet of vehicles and equipment. Additional pumps require approval of a special exception.
(25) Reserved.
(26) In the MPD district, use is limited to industrial areas only.
(27) Limited to eight self-service fuel pumps (df) unless a greater number is specifically approved as part of the planned development and depicted on the master concept plan. An existing business with more than eight lawfully permitted pumps as of January 31, 1998 will not be considered non-conforming. Existing pumps may be modernized, replaced, or relocated on the same premises but additional new pumps will not be permitted.
(28) Not permitted in Airport Noise Zone B.
(29) Not permitted in Airport Noise Zone B. See section 34-1004 for exceptions.
(30) Reserved.

(31)Not permitted in Airport Noise Zone B unless accessory to a lawful mobile home or single-family residence. See section 34-1004.

(32)Indoor theater only in Airport Noise Zone B.

(33)Not permitted in Airport Noise Zone B.

(34)Not permitted in Airport Noise Zone unless required to support a noise compatible use and constructed in compliance with limitations for dwelling unit type set forth in section 34-1006(b)(2) as applicable.

(35)Not permitted in Airport Noise Zone B unless pre-empted by state law.

(36)Sound attenuating insulation should be considered for hotels and motels in Airport Noises Zone B.

(37)In the Industrial Development land use category, offices and office complexes are only permitted when specifically related to adjoining industrial use(s). Prior to issuance of any local development order, the developer must record covenants and restrictions for the property that limit any office uses to those that are specifically related to adjoining industrial uses consistent with Policy 1.1.7 of the Lee County Comprehensive Plan.

(38)Reserved.

(39)Wireless communication facilities required by the Federal Aviation Administration and Florida Department of Transportation may be administratively approved, if it is a necessary safety component related to the physical aviation activity.

(40)Reserved.

(41)Limited to four pumps, unless a greater number is approved as part of a planned development.

(42)In an existing planned development, the Director has the discretion to require removal of excess spoil to be reviewed through the public hearing process.

(43) And- See sections 34-3107 and 34-3108.

(44)The rights applicable to mining excavations approved prior to September 1, 2008, are set forth in section12-121.

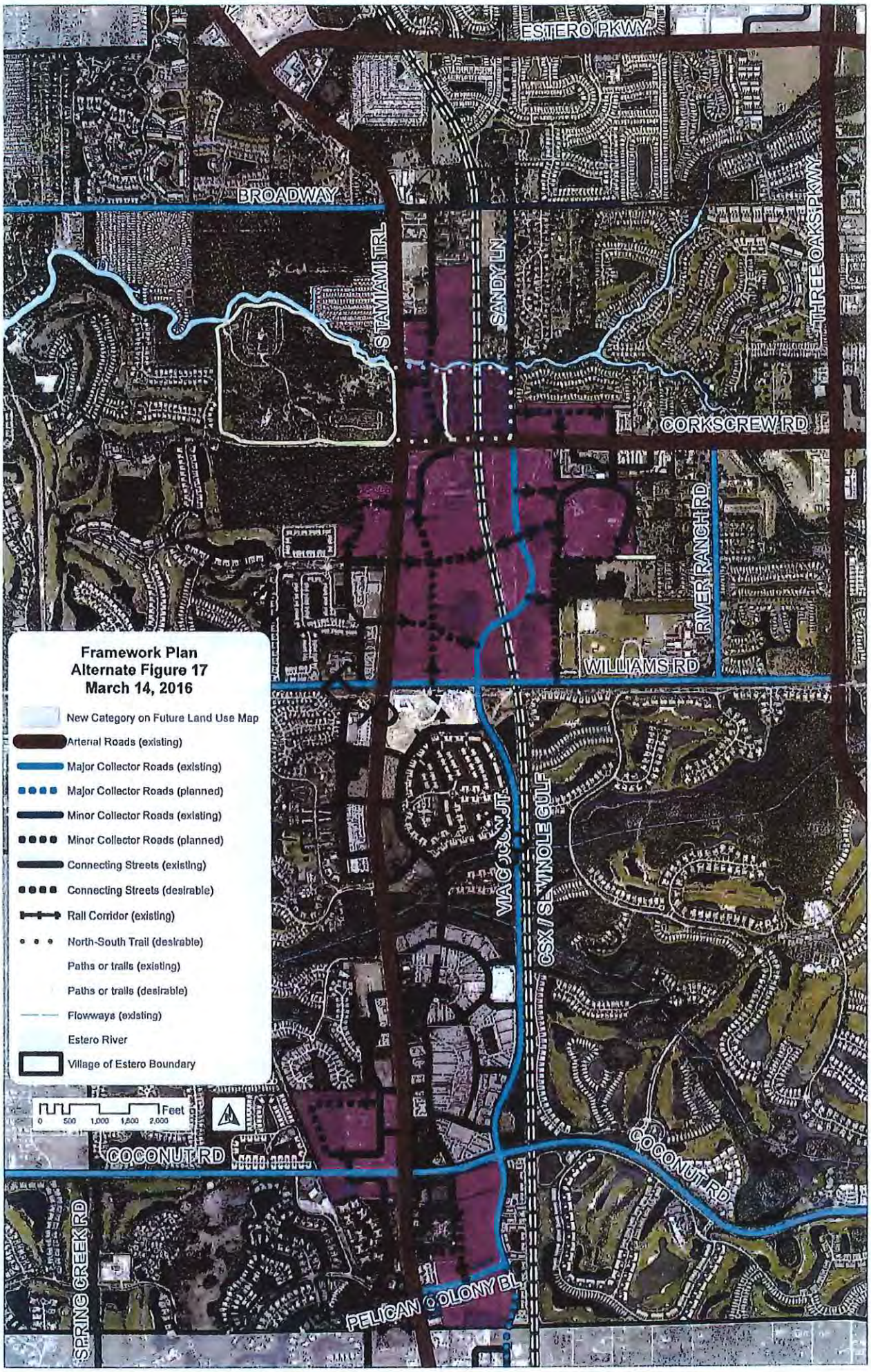
(45)All new or expanded essential services group II uses must be approved as a planned development.

(46)Permitted only as part of an AOPD approval for Page Field General Aviation Airport. Use must be included in Lee Plan Table 5(b) and be located within the non-aviation development area as depicted on Lee Plan Map 3G.

(47)Not permitted in Coastal High Hazard areas unless in compliance with section 2-485(b)(5)a.

(48)Land uses in the Compact PD district are governed by chapter 32.

(49)See section 34-3152.


ESTERO PKWY
BROADWAY
S TAMIAMI TRL
SANDY LN
THREE OAKS PKWY
CORKSCREW RD
RIVER RANCH RD
WILLIAMS RD
VIA COCONUT PT
CSX / SEMINOLE GULF
COCONUT RD
COCONUT RD
SPRING CREEK RD
PELICAN COLONY BL
Framework Plan
Alternate Figure 17
March 14, 2016
New Category on Future Land Use Map
Arterial Roads (existing)
Major Collector Roads (existing)
Major Collector Roads (planned)
Minor Collector Roads (existing)
Minor Collector Roads (planned)
Connecting Streets (existing)
Connecting Streets (desirable)
Rail Corridor (existing)
North-South Trail (desirable)
Paths or trails (existing)
Paths or trails (desirable)
Flowways (existing)
Estero River
Village of Estero Boundary
Feet
0 500 1,000 1,500 2,000

ATTACHMENT O

Applicant Submittals (flash drive)

Stantec

Deviations and Justification

Building Setbacks to Corkscrew

1. *A deviation from section 33-403 of the Land Development Code which requires that buildings must have a maximum setback of 25-feet from Corkscrew Road ROW, to allow a building setback of 30.7-feet.*

The requested deviation will allow a 30.7-foot setback for the buildings along Corkscrew Road to provide for (A) a more proportional relationship of the 45' building height to the road itself (B) a linear park (one third-acre of new public space) to be constructed by the applicant including a meandering sidewalk, enhanced landscaping, trellis' and seating. Granting this deviation provides for additional area that will be landscaped and contribute to the proposed linear park.

ROW Buffer for Via Coconut

2. *A deviation from section 33-351 of the Land Development Code which requires a 20' Type D Buffer for Multi-Family Development adjacent to Right-of-Ways, to allow a 10' buffer along a portion of Via Coconut Road adjacent to Building 3 and 5, as shown on the Master Concept Plan.*

To allow the proposed buildings to engage the public realm as promoted in the "Community Planning Initiative Report" adopted by the Village Council, the buildings along Via Coconut Point Road are designed including 'liner buildings' as suggested by the Village's planning consultant Seth Harry. In addition, street-level pedestrian connections to Via Coconut Point Road are provided at each building. Requiring a 20' wide landscape buffer would push the buildings away from the public realm, lessening the connection between the residential and the public realm and diminishing the desirable urban streets-cape recommended by the Community Planning Initiative Report.

This would be inconsistent with the General Standards as proposed under LDC Section 33-502 (g) which places a focus on the projects 'visual edge' and promoted using the building height, setback and projections to '*define the enclosure of the street.*' The buffer standards as currently contained in the LDC promote wide roads, large buffers and large setbacks, which all runs counter to the stated goals of the Village as contained in the proposed LDC amendments.

It is important to note the applicant has requested a reduction in buffer width but not in required materials so there will be the same landscape elements, albeit in a narrower presentation. For the buildings to effectively engage the public realm, a lesser buffer width is necessary.

Furthermore, by requiring a 20' buffer, the building setbacks would exceed the 0-25 foot requirement along Via Coconut, requiring an additional deviation to Section 33-406.

Intersection separation

3. *A deviation from section 10-285 of the Land Development Code which requires driveway connections on:*
   a.) *Arterial roods have a minimum separation of 660-feet, to allow a driveway separation of 350-feet for the egress onto Corkscrew Road; and*

This deviation results primarily from a request by Lee County to provide more than one access point for the project. This will allow for improved dispersal of trips and also for multiple points of entry or exit should emergency vehicles require them.

The requested deviation is also consistent with the Village's goal of increased connectivity and allows for an egress-only connection to along Corkscrew Road. The property has approximately 610' of frontage along Corkscrew Road and cannot comply with the minimum separation requirements of 660' for arterial roads. The access is designed as a right-out-only to eliminate/minimize any conflicts with CORKSCREW road traffic. The only alternative, providing a second access on Via Coconut Point Road, would also require a deviation.

The applicant recognizes the Village of Estero cannot grant deviations to Lee County Roadways, but the applicant requests the Village 'support' this deviation to allow better dispersal of traffic exiting the project thereby improving entry and exit conditions along Via Coconut Point.

Waterbody Setback for Roads

4. *A deviation from section 10-329(d)(1)a. of the Land Development Code which requires :*
   a.) *Stormwater management lakes to be setback 25-feet from proposed local streets to allow a setback of 0-feet for the internal local road; and*
   b.) *Stormwater management lakes to be setback 50-feet from collector roads to allow stormwater management lakes to be setback 25-feet from Via Coconut Point.*

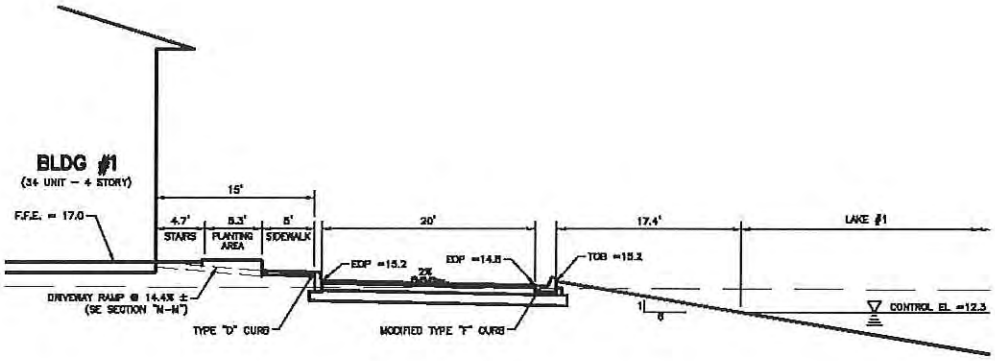
Regarding 4.a above, this deviation is requested to accommodate an upscale, urban style development by fully taking advantage of the project's water management lakes as aesthetic features and to maximize storm water storage. By reducing the setback from the internal lake to the roadway, it allows for additional planting areas between the buildings and the roadway to improve the overall appearance of the community. This deviation is also to bring the project into compliance with the proposed LDC language under Section 33-511(c) which encourages the use of "*deviations from surface water management standards in Chapter 10 in order to minimize the amount of land devoted to lakes and channels*" and also encourages '*steeper slopes or a higher percentage of bulkheads along lake banks.*"

From a safety standpoint, the internal roadway has been designed for low, residential speeds, 18mph or less. The following design considerations mitigate for the proximity of the lake and are offered in support of the deviation:

- Narrower streets and paver-stone streets are generally accepted to reduce vehicle speed, measured as vehicle headway is seconds. Lower speeds reduce the potential for wayward vehicles and allow for increased time for reaction and correction.
- Type 'F' curbing adjacent to the lake is being used to divert any wayward vehicle's tire back into the travel lane at low speeds
- Areas where a 'zero' setback is utilized, areas are further protected structurally with a retaining wall extending above the sidewalk. This occurs at the faux bridges and the traffic circle which itself serves to further calm and lower travel speeds, further reducing the need for wayward vehicle protection.
- There are very few 'straight' sections of roadway, further discouraging increased travel speeds.
- Additional plantings are proposed along the lake bank (part of the Development Order in review) including more than 40 Black Olives and Palm trees between the roadway curbing and the lake control elevation. While their primary function is aesthetics, they also serve as an additional barrier for wayward vehicles.

Stantec

Figure 01



The Village need only look at the community of Rapallo which has lake banks and lake edges in a similar configuration and proximity to what is being proposed here to see where these principles have been applied, and no safety issues have arisen from this design approach.

Figure 02

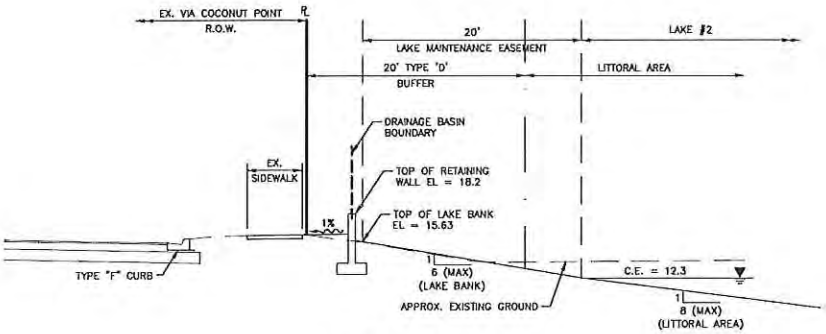
Furthermore, In light of the pending LDC changes encouraging steeper lake bank slopes to reduce the area devoted to water management without sacrificing water quality treatment, the applicant suggests that the Village may want to grant an additional deviation to allow for lake slopes at 4:1 instead of 6:1 to comply fully with Section 33-511(c) of the LDC.

With regard to 4.b.above, this deviation is limited to the lake areas in near proximity to Via Coconut Point which frame the project entry and are focal points for community and public enjoyment and benefit. The following elements mitigate for the reduced distance between the right of way and the control elevation of the lakes:

- The travel lanes on the east side of Via Coconut Point Road are constructed with a Type 'F' curb designed to divert the vehicle's tire back into the travel lane.

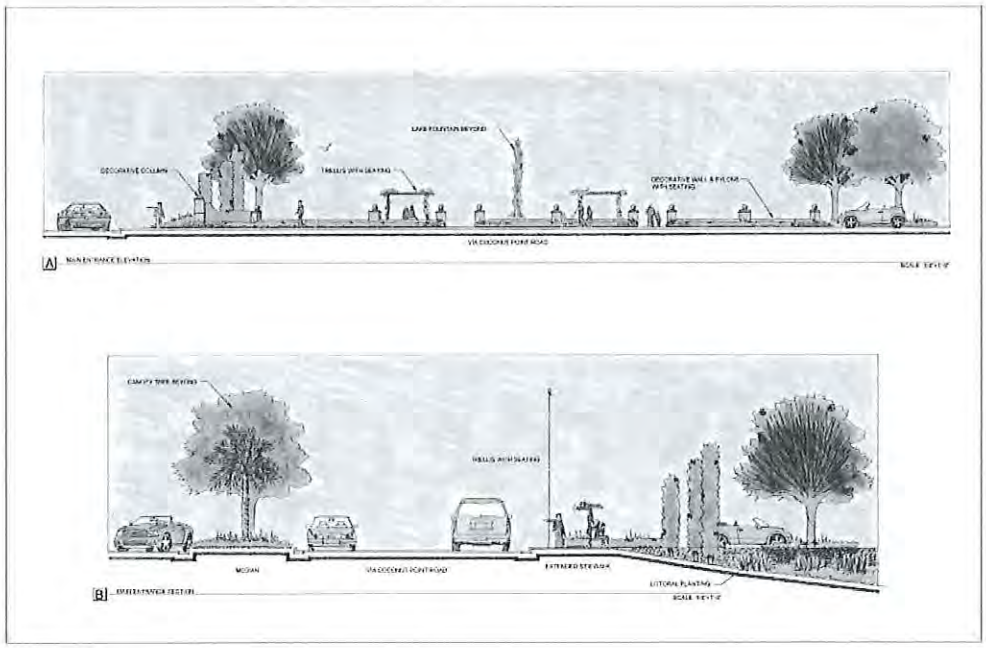
- The lake on the south side of the entry way is adjacent to a right turn deceleration lane operating under significantly reduced speeds, further minimizing any possibility of a wayward vehicle 'jumping' the curb.
- Both lakes are further protected by a retaining wall close at the top of bank of the lake. This retaining wall is located (see Figure 03 below) along the frontage of both lakes adjacent to Via Coconut Point Road.
- In addition plantings of palms and Black Olive trees provide both aesthetic benefit and further protection for wayward vehicles (see Figure 04). The design shown below turns a wayward vehicle protection measure into a community asset, promoting interaction at the water's edge with walkways from the sidewalk to and through the low wall.

Figure 03



SECTION B2–B2

Figure 04



GENOVA PARTNERS, LLC
GENOVA
MAIN ENTRANCE SECTIONS

Stantec

Hardened shoreline for lakes great than 20%

5. *A deviation from section 10-418(3)a of the Land Development Code 10-418(3)a which states that water management lakes may have a maximum of 20% of hardened shoreline to allow:*
    a. *Lake 1 to have a maximum of 30% of hardened lake shoreline.*
    b. *Lake 2 to have a maximum of 30% of hardened lake shoreline*
    c. *Lake 3 to have a maximum of 30% of hardened lake shoreline*

As indicated in the Master Concept Plan, the hardened shoreline structures border the main entrance (faux bridges and round-a-bout) and club amenity area, totalling 28% of the total shoreline of the three lakes combined. 30% is being requested to allow for minimal flexibility for any future design modifications.

This deviation is also to bring the project into compliance with the proposed LDC language under Section 33-511(c) which encourages 'steeper slopes or a higher percentage of bulkheads along lake banks." As required by the Land Development Code for hardened structures within a lake, a compensatory littoral zone equal to the linear footage of the shoreline structure will be provided within the same lake as shown on the MCP. To provide compensation for the slightly increased hardened areas, the quantity of littoral plantings has been increased more than 50% over Lee County code requirements. These additional aquatic plantings more than offset the minimal additional shoreline hardening. And the faux bridges will create an attractive view for pedestrians and cyclists from the public sitting areas proposed along Via Coconut Point Road.

Gatehouse Entry

6. *A deviation request from Section 34-1748(1) d.1.through 3. of the Lee County Land Development Code which requires:*

    1. A minimum of 100 feet back from the existing or planned intersecting street right-of-way or easement; or

    2. The gate or gatehouse is designed in such a manner that a minimum of five vehicles or one vehicle per dwelling unit, whichever is less, can pull safely off the intersecting public or private street while waiting to enter; or

    3. The development provides right turn and left turn auxiliary lanes on the intersecting street at the project entrance. The design of the auxiliary lanes must be approved by the Development Services Director.

As shown on the DO plans previously submitted to the Village, the current gate location is 84 feet from the property line. There is an additional 21 feet from the property line to the edge of the intersecting street, Via Coconut Way for a total of 105 feet. This alone is sufficient to accommodate 5 vehicles. Adding to that amount is the design of the entry which utilizes a wide entry to allow for two lanes of stacking, thus doubling the available stacking to far more than 5 vehicles.

The security gate will be manned 24 hours a day. To avoid stacking problems, the on-duty guard can allow vehicles who are not gaining admittance to turn around and depart, a condition not present at un-manned security gates. Vehicle turn-around is achieved (as shown

on sheet 3 of 3 of the MCP) by permitting vehicles to travel past the entry gate, around the round-a-bout and exiting back out onto Via Coconut Point. For most vehicles the proposed turn-around located before the entry gate is sufficient, providing a larger turn-around before the entry gate is unnecessary and would diminish the design and openness of the entry lakes and features.

While the project as proposed does not meet the requirements of Section 34-1748.1.d.1 which requires a minimum of 100 feet from the street ROW easement, the project as designed, DOES meet the requirements of LDC Section 34-1748.1.d.2. which requires that the gatehouse be designed to allow for a minimum of five vehicles to pull safely off the intersecting public or private street while waiting to enter. As such, upon confirmation by Village staff that the project as designed meets this standard, this deviation request shall be withdrawn.

Amenity Center Parking

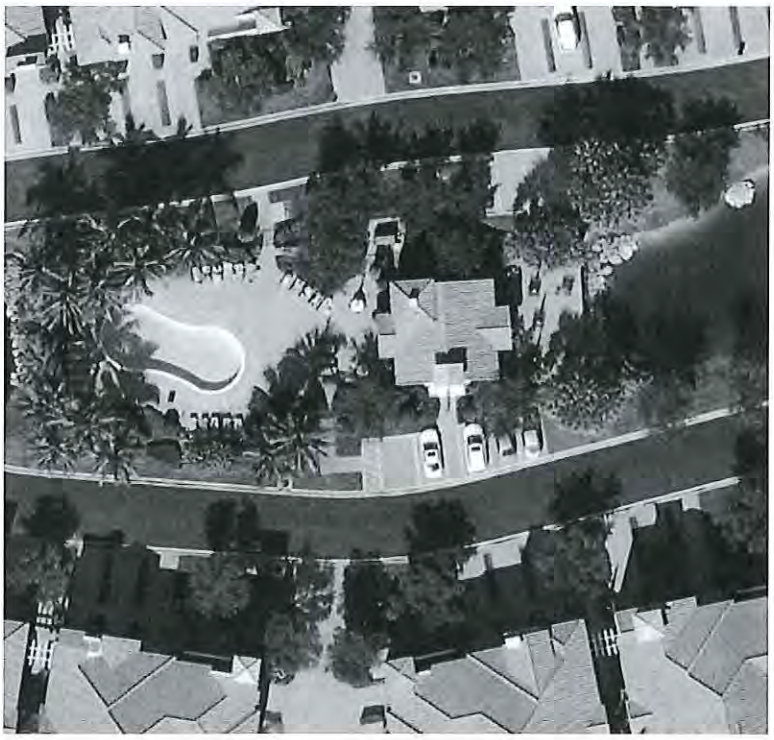
7. *A deviation from Section 34-2020 which requires a total of 36 parking spaces for the amenity center; to allow for a minimum of 26 parking spaces to be provided.*

The amenity center will be for the sole use of the residents of Genova and includes a fitness center, a club room with a catering kitchen, office space and washrooms. Section 34-2020 of the Land Development Code requires 36 parking spaces be provided for the 6,482 square foot amenity center. The applicant is requesting a deviation to allow for a minimum of 26 parking spaces to be provided. The basis for this requested reduction lies in the design of the project. Genova is an extremely walkable community with courtyard connected by sidewalks connecting the six buildings and the amenity area. 4 of the 6 buildings are located within 450 feet from the amenity area. All buildings lie within 8-900 feet which is well within what is accepted as a comfortable walking distance for most people.

Should it be necessary for community events, should additional parking be required, the 2 residential buildings adjacent to the clubhouse provide an additional 31 guest spaces. It is the applicant's position based on experience in the SW Florida marketplace, the 26 spaces provided will be more than sufficient.

With regard to any concern about parking immediately off the internal, low-speed roadway, Genova is a community of not more than 205 units, a fairly low overall unit count. The Rapallo community in Estero utilizes clubhouse parking directly off the internal drive and has functioned without incident for many years (see Figure 05 below). Key to this is the low number of units and the low volume of traffic on the internal drive.

Figure 05



This concept is strongly promoted in urban design, providing convenience, traffic calming and an absence of parking lots. Not only do narrow roads, paver-stones and pedestrian crossings slow motorists, so does on-street parking. This area has all 4 traffic calming elements. This section of roadway will also be the least travelled by residents going to and from their units.

Building Height

8. *A deviation from Section 33-229 which limits allows for a maximum height of 45-feet or three stories to allow:*
    a. *A maximum height of 45 feet measured to the eave of the roof; and*
    b. *A maximum of 4 stories, with 3 stories of residential uses over a ground floor of parking.*

The requested deviation allows for the proposed buildings to have 3 residential floors over a ground floor parking garage. This design allows for the parking to be hidden internal to the building without the need for additional impervious area typically required for "at grade" parking.

With a ground-floor parking garage the exterior parking lots typically associated with multi-family development are replaced with stealth parking within the building including individual two-car garages for each unit and guest parking spaces, eliminating all at grade parking.
The ground floor parking will be hidden by architectural features designed to make it feel more like a residential floor. And the liner building-sections will totally shield the parking from view along Via Coconut Point Road.

As was the accepted norm for years by the Estero Design Review Committee the applicant is proposing the 45 foot height measurement to be measured to the eave of the roof, instead of the mid-roof height. This is consistent with the Village's goal of encouraging more interesting roof elements, varying pitch and random roof lines resulting in significantly enhanced architectural design. The buildings could alternatively save the expense and use a uniform mansard roof to meet the Land Development Code requirements but it would significantly detract from the upscale, urban Mediterranean architecture of the buildings.

Pavement Width for Local Roads & Access ways

9. *A deviation from Section 10-296(i)(2) which requires a minimum 24-foot wide pavement width for Category B roads with curb-and-gutter drainage, to allow a pavement width of 20 feet.*

Its accepted fact wider streets result in drivers feeling more comfortable at higher speeds. One of the first steps in traffic calming is to narrow roadways, lowering speeds and improving safety for both drivers and pedestrians. Having a wider roadway would not only fail to provide increased safety, it may actually decrease safety. This design goal has been recognized by the Village of Estero through the proposed LDC Amendments, which seek to de-emphasize the dominance of the street in the current typical cross sections advocated in the Lee County LDC.

Requiring a typical 'suburban' cross section will also result in increased hardening along the lakes, and a reduction in streetscape trees - in essence turning 'green areas' into pavement with zero realized benefit. Numerous examples exist throughout the United States of streets at 20' or even less serving much larger areas than this project. Reducing the design width of the streets within the project is a key element to reduce speed of travelling vehicles and to provide for a cross section that is more in line with the goals of the Village.

Perimeter Railing

10. A deviation from Section 34-1743 which requires perimeter fences and walls to be setback 7.5' from the right-of-way, to allow a setback of 3.5 feet for a portion of the perimeter railing adjacent to Building 3.

Near the northwest corner of building D (3), the property line 'jogs in' due to the changing ROW width so the setback for the proposed railing needs to be adjusted to 3.5 feet for a distance of approximately 110 feet. The irregularity in the ROW width is created by the need for the northbound to eastbound right turn lane onto Corkscrew Road. In order to meet the 7.5 foot setback, the railing and building would have to move 4 feet to the east, resulting in the south end of the building no longer lying within the 0 – 25 foot setback required along Via Coconut Point. This deviation is critical to keeping the established relationship of the buildings with the public realm along Via Coconut Point Road without creating an extremely undesirable design constraint on the building.

Open Space

11. A deviation from Section 10-415 which requires a multi-family residential development to provide a minimum of 40% open space to allow a minimum open space of 35%.

The 40% or higher open space requirement is typical of suburban environments. As currently shown on the MCP (and supported by the Development Order application under review) the

project currently meets the 40% open space requirement but the slightest change to the plan could result in the open space calculation dropping below the requirement. For example, if a pocket park was expanded or a transit stop added encroaching into the project, it would create a zoning compliance issue.

Since the Village of Estero has not yet developed an administrative approval process for minor deviations such as this, the applicant is requesting a reduction in the required open space to allow for minor changes going forward without being forced to come back through the zoning process.

Building Perimeter Setback

12. A deviation from LDC Section 34-935(b)(1)e which requires buildings to be setback from the perimeter of the project a minimum of one-half the height of the building, to allow a building setback of 18' for a small portion of the southeast corner of Building 4 which has a maximum height of 45'.

The requested deviation is to allow a reduced setback of 18' in lieu of 22.5' for the southeast corner of Building D (4) due to a small shift in the eastern property line. Building D (4) is located 22.5 feet from the vast majority of the eastern boundary of the property. However, slightly south of the building the property line shifts approximately 5.33 feet west, before turning south again. This irregularity in the eastern property line creates an 18' setback from the corner of Building D (4) to the corner of the property line. The building has been located to comply with the required setbacks along the majority of the eastern property line and the requested 18' setback will not create any impact on the surrounding properties.

THE FOLLOWING DEVIATION REQUESTS ARE IN RESPONSE TO PZB COMMENTS AND THE PROPOSED LAND DEVELOPMENT CODE AMENDMENTS (BASED ON THE MARCH 24, 2016 DRAFT VERSION):

13. A deviation from Section 33-508(b)(2) and Figure 33-508(b) as proposed, which identifies connecting streets within an overall Framework Plan described in Division 6 to allow for private streets within the project and does not require a connecting street in consideration of the extensive incentive offerings which promote connectivity as identified below:
    - A connecting street as shown on the Framework Plan promotes a 'through connection' to the Estero Community Park. Lee County to date has not indicated that a connection in this point is desired.
    - The framework plan shows a key and vital connection to the park, less than 200 feet to the south of the project, making a connection through the property duplicative and providing no practical benefit to the community.
    - The project developer has agreed to provide $100,000 toward the design and construction of the park entry road as shown on the framework plan, a key transportation goal for the Village.
    - The project as proposed has a minimum of 7 pedestrian connections, promoting pedestrian and bicycle connectivity.
    - The project will allow for non-residents to travel over and through the project on foot or by bicycle as outlined in the incentive offerings.

Requiring a 'connecting street' in this location would result in a 'road to nowhere' and force design changes to the project that would de-value the project through greatly diminished project design.

14. A deviation from Section 10-296(d), specifically 10-296(i)(2) to allow for a minimum of 20 feet from inside edge to inside edge of curbs for internal, private access drives. Minimum ROW widths shall not apply.

    This deviation is intended to bring the project more into compliance with the goals and objectives of the Village as represented in the proposed LDC changes which show typical street cross sections that incorporate lane widths of 10'6" for two way traffic with on-street parking for connecting streets. The roads inside Genova are private and will carry significantly less traffic than a connecting street. Additionally, they will not utilize on-street parking, allowing for a slightly lesser lane width of 10'. Any recommendation to increase ROW widths in excess of what are proposed would be inconsistent with the direction provided by the Village as demonstrated in the proposed LDC Amendments.

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Zoning Request Narrative

The proposed application is a request is rezone a 16.92+/- acre parcel from Agricultural (AG-2) and Commercial Planned Development (CPD) to Residential Planned Development (RPD) to permit the development of 205 multi-family dwelling units. The proposed development is for a 6-building multi-family development with associated amenities and infrastructure.

Development Summary

The proposed development consists of a total of 205 Multi-Family dwelling units in nine buildings on a 19.95 acre property. The property is located on the southeast corner of Corkscrew Road and Via Coconut Point. There are a total of six larger 45-foot tall buildings, with three stories of residential uses over a ground floor parking garage. Along Via Coconut Pt there are three liner buildings that will be located on the western side of the larger buildings. The proposed liner buildings will be structurally attached to the larger buildings and will share the same foundation. However, they are shown as separate buildings on the Master Concept Plan to help illustrate how the liner buildings will create a tiered building design between the Via Coconut Point right-of-way and the larger multi-story buildings.

Access to the site is provided by an entrance road to the Via Coconut Point. The entrance road connects to a loop road which runs along a stormwater management lake central to the development. A single lane egress to Corkscrew Road has been provided on the northern portion of the property. Pedestrian facilities have been provided along the internal access way and connect to the sidewalks along Corkscrew Road and Via Coconut Point.

The ground floor of the main buildings is designed to provide a two-car garage for each dwelling unit in the building including the two units in the liner buildings. The garages are located along an internal raceway interior to the building. There are additional parking spots available for overflow and guests. A rain garden green space is located in the middle of the ground floor. This area will serve as open space to allow natural light into the ground floor. This area will be planted with trees and shrubs and will help provide ventilation for the garage level. The second floor will designed to have a courtyard in the center with large open public space. This public space is designed provide common space for residents to gather. It is proposed to have seating areas and architectural enhancements such as planters and ornamental fountains. In the

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center of the courtyard is an opening to the atrium area on the ground floor parking garage.

The residential units are located on three sides of the courtyard with terraces and outdoor living spaces overlooking the courtyard. The open side of courtyard will be oriented internal to the project. By having the active and open areas of the buildings pointed internal to the project, the development will limit any potential impacts on the adjacent properties. This will also allow for the views from the outdoor spaces to overlook the lakes in the center of the property. Care has been taken with the design of the building to take into consideration the noise that may be generated from the adjacent roadways, or Estero Community Park. The entrance to each residence will be located along a perimeter hallway located on the outside of the building. This hallway will help reduce the noise generated off-site from impacting the proposed residential development.

In addition to other measures, three single-story liner buildings have been located between the larger buildings and Via Coconut Point, to accommodate the urban vision that is proposed in the recently completed Community Planning Initiative, commissioned by the Estero Council of Community Leaders. These buildings will serve to define the public space along Via Coconut and create a visual break from the taller buildings. Additionally, these buildings will provide visual barriers to the ground floor parking garages in the larger buildings. A small fence will be located between the liner buildings and the Via Coconut Point right-of-way. The fence will consist of a 24-inch high masonry base with a 36-inch high decorative metal fence on top. The total height of the fence will be 5 feet. This fence will be setback a minimum of 5 feet from the property line to allow for landscaping to be placed on the exterior side of the fence. By constructing a low masonry base and having an open decorative fence on top, the fence will not create a visual barrier along Via Coconut Point, while still providing the necessary security. These fences will only be located adjacent to the liner buildings.

A recreational facility is located along the eastern portion of the property, between buildings two and four. The recreational facility will include a fitness center, lap pool, a clubhouse, and a resort style pool and deck. A bocce ball court is located to the east of the clubhouse and fitness center. The development also provides for two pedestrian connections to Estero Community Park. One connection will be provided along the east boundary of the property. The second access will be to the south of the property. A private agreement between the property owner and Lee County will be provided at the time of local development order.

Buildings Five and Six are setback 30-feet from Corkscrew Road to provide an enhanced linear park along the northern portion of the property. This area has been

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designed to accommodate a sidewalk which will meander through the landscape buffer provided along the northern portion of the property. Additional street furniture such as benches and architectural features will be provided as well.

In summary, the proposed development provides the desired dense development style encouraged in the urban core of the Village of Estero, while maintaining the high architectural standards that Estero is known for.

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Design Standards Compliance

As outlined below, the proposed rezoning complies with the design standards outlined in the Lee County Land Development Code.

Sec. 34-411. - General standards.

(a) All planned developments must be consistent with the provisions of the Lee Plan.
The proposed residential development is consistent with the Village of Estero Comprehensive Plan. A complete Comprehensive Plan Compliance narrative is included with the application.

(b) Except where specifically suspended or preempted by alternative regulations in this article, or by special conditions adopted to the master concept plan, all general provisions of this chapter apply to all planned developments. All planned developments must be designed and constructed in accordance with the provisions of all applicable County development regulations in force at that time. Deviations from the general provisions of this chapter, as well as from any separate land development regulation or code, may be permitted if requested as part of the application for a planned development in accordance with section 34-373(a)(9) and approved by the Board of County Commissioners based on the findings established in section 34-377(b)(4). Amendments to approved master concept plans may be reviewed pursuant to section 34-380
The proposed development will comply with all sections of the Village of Estero Land Development Code, except as provided for by the zoning approval, Master Concept Plan and requested deviations.

(c) The tract or parcel proposed for development under this article must be located so as to minimize the negative effects of the resulting land uses on surrounding properties and the public interest generally, and must be of such size, configuration and dimension as to adequately accommodate the proposed structures, all required open space, including private recreational facilities and parkland, bikeways, pedestrian ways, buffers, parking, access, on-site utilities, including wet or dry runoff retention, and reservations of environmentally sensitive land or water.

(d) The tract or parcel shall have access to existing or proposed roads:
(1) In accordance with chapter 10 and as specified in the Lee Plan transportation element;
The proposed development will provide access to the existing street network in compliance with the Village of Estero Land Development Code.

(2) That have either sufficient existing capacity or the potential for expanded capacity to accommodate both the traffic generated by the proposed land use and that traffic expected from the background (through traffic plus that generated by surrounding land uses) at a level of service D or better on an annual average basis and level of service E or better during the peak season, except where higher levels of service on specific roads have been established in the Lee Plan; and
The adjacent street network has sufficient capacity to accommodate the traffic generated by the proposed development. A detailed Traffic Impacts Study has been included in the application.

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(3) That provide ingress and egress without requiring site-related industrial traffic to move through predominantly residential areas.

No industrial traffic is anticipated as part of the proposed development.

(e) If within the Lee Tran public transit service area, the development shall be designed to facilitate the use of the transit system.

The subject property is located outside of the Lee Tran Service area but falls within the ¾ mile Paratransit Service area. The development Plans include pedestrian facilities which connect to the bus stations for Lee Tran Route 240.

(f) Development and subsequent use of the planned development shall not create or increase hazards to persons or property, whether on or off the site, by increasing the probability or degree of flood, erosion or other danger, nor shall it impose a nuisance on surrounding land uses or the public's interest generally through emissions of noise, glare, dust, odor, air or water pollutants.

The proposed development will not create or increase a hazard or nuisance to surrounding lands or the public interest. Prior to construction a permit will be required from the South Florida Water Management District to ensure the stormwater management system will not create an increased probability in flooding or other danger. The residential development will not create any nuisance to the adjacent properties in the form of noise, glare, dust, odor, air or water pollutants. The ERP will ensure that the pre and post development run off are the same.

(g) Every effort shall be made in the planning, design and execution of a planned development to protect, preserve or to not unnecessarily destroy or alter natural, historic or archaeological features of the site, particularly mature native trees and other threatened or endangered native vegetation. Alteration of the vegetation or topography that unnecessarily disrupts the surface water or groundwater hydrology, increases erosion of the land, or destroys significant wildlife habitat is prohibited. That habitat is significant that is critical for the survival of rare, threatened or endangered species of flora or fauna.

A complete environmental analysis has been included with this application. No historic or environmentally significant features are present on the subject property.

(h) A fundamental principle of planned development design is the creative use of the open space requirement to produce an architecturally integrated human environment. This shall be coordinated with the achievement of other goals, e.g., the preservation or conservation of environmentally sensitive land and waters or archaeological sites.

The proposed development has been designed to provide for an open area along Corkscrew Road to encourage public use of the area. Additionally, buildings have been located close to Via Coconut Road in accordance with the Estero Overlay regulations to create a more urban appearance.

(i) Site planning and design shall minimize any negative impacts of the planned development on surrounding land and land uses.

The Master Concept Plan has been designed to minimize the impacts on the adjacent land uses while still accomplishing the goals of the Village of Estero.

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(j) Where a proposed planned development is surrounded by existing development or land use with which it is compatible and of an equivalent intensity of use, the design emphasis shall be on the integration of this development with the existing development, in a manner consistent with current regulation.

The proposed development is adjacent to Estero Regional Park, a highly-utilized and active recreational facility that serves a large portion of South Lee County. The proposed development will have a density of approximately 12 dwelling units per acre.

(k) Where the proposed planned development is surrounded by existing development or land use with which it is not compatible or which is of a significant higher or lower intensity of use (plus or minus ten percent of the gross floor area per acre if a commercial or industrial land use, or plus or minus 20 percent of the residential density), or is surrounded by undeveloped land or water, the design emphasis will be to separate and mutually protect the planned development and its environs.

The subject property is adjacent to Via Coconut Point to the west and Corkscrew Road to the north. Estero Regional Park is located to the south and East of the site. A wireless communication facility occupies a slender parcel along the northeastern portion of the property. Estero Regional Park is a highly utilized park that serves a large portion of South Lee County. The proposed development plan has been designed to minimize the impacts on the adjacent park. The required buffers have been provided along the common property lines, and the buildings have been oriented to minimize impacts to the park. However, pedestrian connections are being provided to encourage the use of the park by the future residents of the development.

(l) In large residential or commercial planned developments, the site planner is encouraged to create subunits, neighborhoods or internal communities which promote pedestrian activity and community interaction.

The subject property is less than 17 acres, and is not of sufficient size as to create neighborhoods or internal communities.

(m) In order to enhance the viability and value of the resulting development, the designer shall ensure the internal buffering and separation of potentially conflicting uses within the planned development.

The proposed residential development will not create internal land use conflicts.

(n) Density or type of use, height and bulk of buildings and other parameters of intensity should vary systematically throughout the planned development. This is intended to permit the location of intense or obnoxious uses away from incompatible land uses at the planned development's perimeter, or, conversely, to permit the concentration of intensity where it is desirable, e.g., on a major road frontage or at an intersection.

The proposed development will not have any obnoxious or incompatible uses. The site has been designed to comply with the urban vision outlined by the Village of Estero.

(o) Minimum parking and loading requirements are set forth in article VII, divisions 25 and 26, of this chapter. Where land uses are generators of occasional peak demand for parking space, a portion of the required parking may be pervious or semi-pervious surfaces, subject to the condition that the parking area is constructed and maintained so as to prevent erosion of soil. In all cases, sufficient parking must be provided to prevent the spilling over of parking demand onto adjacent properties or rights-of-way at times of peak demand.

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The project has been designed to meet the parking requirements outlined in the Lee County Land Development Code. Two parking spaces will be provided for each dwelling units in a parking garage located on the ground floor of the buildings, with the residential uses on the 3 floors above. An additional ten-percent of the required parking spaces will be provided for guest and/or overflow parking.

(p) Internal consistency through sign control, architectural controls, uniform planting schedules and other similar controls is encouraged.

The proposed development will comply with the architectural requirements outlined in Chapter 33 of the Land Development Code.

Sec. 33-100. - Design standards.

Sec. 33 -111. - Water management.

Closed drainage is encouraged for storm water management systems along arterial and collector streets. If swales are utilized, sidewalks must be located on the development side of the swale and pedestrian and bicycle connections must be provided at intersections and entryways into the development.

(a) The shape of stormwater ponds must be designed to appear natural by having a meandering shoreline. Stormwater pond configurations that are generally rectangular or triangular in shape are prohibited. (Refer to Figure 1).

The proposed development includes a deviation from this section of the Land Development Code. A full discussion regarding the deviation can be found in the Deviations section of the application.

(b) Wet and dry detention areas must comply with section 33-117

The stormwater management lakes along Via Coconut point will not exceed the 20,000 square-foot requirement outlined in Section 33-117 of the Land Development Code.

(c) All dry detention basins must 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.

Dry detention areas are not proposed as part of the stormwater management plan. A detailed outline of the Stormwater Management system has been included as part of the application.

Sec. 33-112. - Utilities.

All utility lines must be located underground except when located within a public street or road right-of-way.

All utilities for the proposed project located within the development will be located underground.

Sec. 33-113. - Places of public interest/open space.

Places of public interest/open space are intended to provide for areas of public interest within commercial developments and must be provided where possible. These areas must be equipped with amenities such as seating areas, structures that provide shade, drinking fountains and other amenities.

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This Section of the Land Development Code does not apply to the requested Residential Planned Development rezoning. The proposed development is for a 205-unit multi-family development with no commercial intensity. However, the Master Concept Plan does provide for public open space along the north 30 feet of the property through the inclusion of a linear open space area along Corkscrew Road.

Sec. 33-114. - Parking.

(a) Developments must follow these general requirements:
  (1) Parking areas must be designed to minimize hard landscaped areas, visually and physically, with vegetation, fountains, seating areas or other features.
  (2) Parking areas must be well configured with pedestrian links, buffers and visually pleasing landscaped areas.

(b) Parking lots must be located in accordance with section 34-2192

(c) Side parking areas must be adequately screened from pedestrian and vehicular travel along the frontage road.

(d) Parking area configurations must promote interconnections between adjacent project parcels. (This should be accomplished by providing an interconnected vehicular circulation route to the rear of properties fronting onto Corkscrew Road and Sandy Lane.)

(e) Sixty percent of the primary facade of a parking garage must incorporate the following:
  (1) Transparent windows, with clear or lightly tinted glass, where pedestrian oriented businesses are located along the facade of the parking structure; or
  (2) Display windows; or
  (3) Decorative metal grille-work or similar detailing, which provides texture and partially or fully covers the parking structure openings; and
  (4) Vertical trellis or other landscaping or pedestrian plaza area.

(f) A minimum ten-foot wide terminal island is required at the end of all parking rows.

The proposed parking will be provided in parking garages on the ground floor of the buildings. The development will comply with Section 33-114 at the time of Development Order approval.

Sec. 33-115. - Services areas.

Service areas, including loading docks, trash receptacles, mechanical equipment, outdoor storage areas and utility vaults must be located in areas where traffic impacts are minimized, and public visibility is diminished, and in areas that are accessible and functional. Smaller trash receptacles must be decorated or screened and placed in visible locations.

The proposed development will comply with Section 33-115 of the Land Development Code at the time of Development Order approval.

Sec. 33-116. - Lighting.

(These requirements are in addition to the requirements of section 10-610(b)).

(a) Provide pedestrian level lighting of building entryways.

(b) Lighting must be given a distinct architectural theme that complements the building's exterior. Light fixtures must complement the overall building development.

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(c) Provide lighting throughout all parking areas utilizing decorative light poles/fixtures. Other than pedestrian light fixtures, all other outdoor light fixtures must be fully shielded. Lighting must be directed to avoid intrusion on adjacent properties and away from adjacent thoroughfares.
(d) Lighting plans must be coordinated with landscape plans to identify and eliminate potential conflicts.
(e) Buildings, awnings, roofs, windows, doors and other elements may not be designed to be outlined with light. Exposed neon and backlit awnings are prohibited. Temporary seasonal lighting during the month of December is excluded from this requirement.

The development will comply with Section 33-116 at the time of Development Order approval.

Sec. 33-117. - Natural and manmade bodies of water.
Bodies of water, including 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 area and an attractor for pedestrian activity. These areas must incorporate into the overall design of the project at least two of the following items:

(1) A five-foot wide walkway with trees an average of 50 feet on center; shaded benches a minimum of six feet in length located on average every 150 feet; or
(2) A public access pier with covered structure and seating; or
(3) An intermittent shaded plaza/courtyard, a minimum of 200 square feet in area with benches and/or picnic tables adjacent to the water body; and/or
(4) A permanent fountain structure.

There are no stormwater management areas along Via Coconut Point that will be 20,000 square foot in size.

Sec. 33-118. - Interconnections and shared access.
(a) Interconnects. Adjacent commercial uses must provide interconnections for automobile, bicycle and pedestrian traffic. All adjacent parking lots must connect. Interconnects between parking lots are not intended to satisfy the criteria for site location standards outlined in Policy 6.1.2(5) of the Lee Plan.
(b) Inter-parcel vehicle access points between contiguous commercial tracts must be provided. Properties that have frontage or other means of access to a side street parallel or perpendicular to US 41, Corkscrew Road, or Sandy Lane must connect to the side street.
(c) Use of shared accessways is encouraged.

The subject property is not adjacent to and commercial uses. Section 33-118 does not apply to the proposed development.

Sec. 33-226. - Applicability.
Architectural design of all commercial, industrial, public and mixed use buildings within the Estero Planning Community must comply with this subdivision.

Sections 33-226 through 33-338 of the Land Development Code do not apply to the proposed residential development.

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Sec. 33-352. - Plant materials.

(a) Palms used in buffers must be clustered in lengths of not less than four feet and more than eight feet apart. Not more than 50 percent of the required trees for a given buffer along its length may be in palms. A single tree may be used when an odd number of required trees along a frontage so warrant. Palms must be planted in staggered heights with a minimum of three palms per cluster. The use of single palms is permitted if the palms are the Royal Palm, Date Palm or Bismakia Palm variety; and, the use of palms does not constitute more than 50 percent of the total required tree count along a given buffer.

(b) Palms used to meet the required tree count for buffers may be used on a 2:1 basis. Cabbage palms may be used on a 3:1 basis for canopy trees when planted in clusters. Palms may be used to meet general tree requirements if they do not constitute more than 50 percent of the required tree count.

(c) Soldiering of cabbage palms in buffers is prohibited.

The development will comply with this section of the Land Development Code at the time of Development Order approval.

Sec. 33-353. - Landscape design.

(a) Developments must provide separation between pedestrian and vehicular movement by using plantings as space defining elements.

(b) Developments must utilize both hardscape and landscape features as space defining elements (Refer to Figure 8), including, where possible:

(1) Distinctive paving or painting to define the appropriate location for pedestrian and vehicular traffic;

(2) Plantings such as street trees, hedges and screening;

(3) Replicating landscaping patterns and materials to visually unify a development and creating focal points through design diversification where possible;

(4) Plant materials must be suited to the climate and, at their mature, natural size, be suitable for their planting location; and

(5) Selecting trees for parking lots and sidewalk areas that do not interfere with the visibility and movement of vehicles or pedestrians, or cause pavement or other hard surfaces to heave. Material selection must be designed to survive the effects of building or large paved areas (in terms of heat, shade, wind, etc.)

(c) All required trees must be a minimum 45 gallon container, 12-foot to 14-foot planted height, six-foot spread and 32-inch caliper, or field grown equivalent, at the time of planting.

(d) Not more than ten percent of the required internal landscape area, as related to the vehicular use area identified in section 10-416, may be planted in sod.

The development will comply with this section of the Land Development Code at the time of Development Order approval.

Sec. 33-354. - Tree preservation.

In an effort to preserve expansive open spaces and native vegetative communities:

(1) Development must be clustered to reserve large areas of open space;

(2) Existing native vegetation must be preserved whenever possible; and

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(3) Infrastructure design must integrate existing trees and the natural character of the land to the greatest extent possible.

A detailed Environmental Analysis is included with the application. No significant trees or native vegetation currently exists on the property.

Sec. 33-361. - Transit facilitation.

Convenient access to public transportation, ride-share and passenger drop off areas must be provided. The following examples are design techniques that may be used to meet this requirement:

(1) Accommodate public transportation vehicles on the road network that services the development.

(2) Provide passenger loading/unloading facilities.

(3) For streets adjacent to a development, provide sidewalks and other pedestrian facilities such as bus shelters.

(4) Provide a convenient and safe access between building entrances and a transit or bus area, such as walkways or painted pedestrian crosswalks

No public transportation service is provided along the roads adjacent to the subject property. A sidewalk currently exists along Corkscrew Road and Via Coconut Point to provide pedestrian access to the transit facilities located to the west, along US-41.

Sec. 33-362. - Pedestrian walkways/linkages.

The following requirements are in addition to the requirements of section 10-610(d):

(1) Pedestrian walkways must be provided for each public vehicular entrance to a project, excluding ingress and egress points intended primarily for service, delivery or employee vehicles.

(2) In order to accentuate and highlight pedestrian areas, wherever possible, materials must include specialty pavers, concrete, colored concrete or stamped concrete patterns.

(3) Pedestrian walkways/links must be incorporated into, within and through a project in a way that addresses both site security concerns and pedestrian safety. The following are examples of design techniques that should be applied:

a. Incorporate cross-site pedestrian connections within projects.

b. Define walkways with vertical plantings, such as trees or shrubs. Pedestrian walkways may be incorporated within a required landscape perimeter buffer, in compliance with section 10-416(d)(4), Note 11.

(4) Sidewalks or pedestrian ways must connect the on-site pedestrian systems to pedestrian systems on adjacent developments.

(5) Traffic calming devices, at the discretion of the developer, must be provided at points where conflicting pedestrian and vehicular movements exist.

(6) Sidewalks or bikeways must be installed along all project frontage roads, and whenever possible must be separated from the edge of pavement by a minimum four-foot wide planting strip. The property owner must provide for maintenance of the planting strips unless the County formally accepts responsibility for maintenance. Existing non-conforming sidewalks must be brought into compliance with this section.

Pedestrian facilities have been provided throughout the site which provides connections to the existing facilities along Via Coconut Point and Corkscrew Road. Additionally,

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pedestrian connections are proposed to provide connections to Estero Community Park to the south and east of the property. The sidewalks will be designed to accentuate and highlight pedestrian areas by the use of pavers, planting areas, and hardscape at the time of development order approval.

Sec. 33-363. - Bicycle racks.
Bicycle racks are required for all retail and office developments within overlay districts.
This section of the Land Development Code does not apply to the proposed Residential Planned Development.

Sec. 33-364. - Street furniture and public amenities.
Developments must provide street furniture and other pedestrian amenities in their design. All accessories such as railings, trash receptacles, street furniture and bicycle racks must complement the building design and style.
The development will comply with this section of the Land Development Code at the time of Development Order approval.

Sec. 33-381. - Purpose.
The purpose and intent of this subdivision is to modify and supplement Chapter 30 in order to protect and preserve the character and appearance of the Estero Planning Community.
The development will comply with this section of the Land Development Code at the time of Development Order approval.

Sec. 33-383. - Prohibited signs.
Unless a deviation or variance is granted, the following types of signs are prohibited within the Estero Planning Community:

(1) Animated signs.
(2) Emitting signs.
(3) Balloons, including all inflatable air signs or other temporary signs that are inflated with air, helium or other gaseous elements.
(4) Banners, pennants or other flying paraphernalia, except an official federal, state or county flag, and one symbolic flag not to exceed 15 square feet in area for each institution or business.
(5) Changing sign (automatic), including electronic changing message centers, except as approved within a development of regional impact by planned development zoning resolution adopted prior to June 24, 2003 (the adoption date of Ordinance 03-16).
(6) Figure-structured signs.
(7) Pole signs/freestanding.
(8) Pylon signs, except as approved within a development of regional impact by planned development zoning resolution adopted prior to June 24, 2003 (the adoption date of Ordinance 03-16).
(9) Off-site directional signs, except as approved within a development of regional impact by planned development zoning resolution adopted prior to June 24, 2003 (the adoption date of Ordinance 03-16).

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The development will comply with this section of the Land Development Code at the time of Development Order approval.

Sec. 33-384. - Temporary signs.

(a) Temporary sign permits for prohibited signs will not be issued.

(b) Special occasion signs.

(1) Temporary on-site sign permits may be issued for special occasions such as holidays (other than Christmas and Hanukkah, which are addressed in section 30-6), carnivals, parking lot sales, annual and semiannual promotions or other similar events, provided:

a. A special occasion sign permit is issued by the building official;

b. The special occasion sign permit is issued for a period of time not to exceed 15 days;

c. No business may be permitted more than two special occasion permits in any calendar year; and

d. The business did not violate the time limitation in subsection (b)1.b. above, within the calendar year preceding the request for the temporary sign permit.

(c) Signs must be located on-site and in a manner that does not create a traffic or pedestrian hazard;

(d) Signs illuminated by electricity must comply with all electrical and safety codes; and

(e) Signs must be constructed and secured in accordance with all applicable standards.

The development will comply with this section of the Land Development Code at the time of Development Order approval.

Sec. 33-385. - Permanent signs in commercial and industrial areas.

(a) *Identification sign.* A nonresidential subdivision or parcel will be permitted one monument-style identification sign along any street that provides access to the property in accordance with section 30-153

(1) Except as provided in subsection (3) below, the maximum height of any identification sign will be 17 feet.

(2) Lighting.

a. *Permissible lighting.* Except as provided in section 30-153(2)a.1.iv., the monument-style identification or wall sign may be illuminated by:

1. Individual internally illuminated letters and logo on an unlit background (i.e. channel lit lettering);

2. Lighting behind the letters and logo that illuminates the sign background (i.e. reverse channel lit lettering);

3. A combination of 1. and 2., above; or

4. Edge-lit letters using concealed neon or remotely lit fiber optics.

b. *Prohibited lighting.* Monument-style identification or wall signs will not be animated or illuminated by:

1. A visible source of external lighting;

2. Exposed neon;

3. Exposed raceways; or

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4. Internally illuminated box signs (as defined by a sign comprised of translucent surfaces illuminated from within), unless face and side of sign are opaque except for letters and/or logo being translucent.

c. All electrical connections, wiring, etc., must be concealed.

(3) Except as provided herein, monument-style identification signs must be set back a minimum of 15 feet from any street right-of-way or easement, and ten feet from any other property line. In no case will a monument-style identification sign be permitted between a collector or arterial street and a frontage road.

Exception: Where the building is within 15 feet of the street right-of-way or road easement the sign may be placed closer than 15 feet to the right-of-way or easement provided it does not project over any right-of-way or easement, the height does not exceed seven feet, and the sign is not located within ten feet of any overhead electrical supply.

(4) All monument-style identification signs must display the street address of the property. Street numbers must measure between a minimum of four inches and a maximum of six inches, in height. The copy area of the street address will not be counted toward the allowable sign copy area.

(5) Copy area of a monument sign will not exceed 75 percent of the total sign structure area and a minimum 25 percent of the sign structure area must be devoted to architectural features.

(6) Signs identifying individual businesses must be easily read from the pedestrian level.

(7) Signs must match the architectural style of the building or development.

(8) Wall signs are permitted in accordance with section 30-153(2)c.1. and section 30-153(3)d., with a maximum area of 300 square feet per wall per tenant. This area is to be determined by the sum of any and all signs on the tenant's wall. Wall signs will not contain advertising messages or sales item names.

The development will comply with this section of the Land Development Code at the time of Development Order approval.