

DIVISION 5. – ESTERO PD ZONING DISTRICT¹

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 guidelines for such district and are to be viewed as 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 defined in or determined by the guidelines, 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 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 Guidelines.** The provisions of the land development code implementing the Estero PD district are designed as reasonable guidelines 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 objectives set forth in the comprehensive plan relating to the Village Center Area. Such guidelines 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

¹ Division 5. – Estero PD Zoning District will become a part of the overall Land Development Code Amendments to be provided pursuant to the Village Center Planning Initiative. It will be accompanied with conforming changes to Chapter 33, Divisions 1-4, and Chapter 34- Article IV and Division 12, as previously provided.

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 guidelines shall also permit other reasonable means that may accomplish such goals in a different or complimentary 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 guidelines 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 interests with public goals, and (c) enjoy simple, understandable, and physically determined methods to achieve these goals.

(d) **Streets.** In these guidelines, 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 walkability of streets and enhance 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 this goal 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 guidelines 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 guidelines 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-XXX(a)).

(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-XXX(g).

_____ (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 33-5XX.

_____ (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 33-510.

(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 sections 33-5XXX through 33-5XXX.

Sec. 33-504. - Tiers.

(a) This division provides standards for four levels of walkable mixed-use development 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 much higher 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) Policy 19.8.4 of the comprehensive plan regarding vested rights is hereby specifically incorporated by reference in these Estero PD district guidelines. 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. 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 for each tier by the Village Council during the rezoning process. These density levels must be within the density ranges in the comprehensive plan (see Policy 19.8.4).

(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, but not including land used for Type C private streets, as defined below.

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

TABLE 33-515

	<i>Base Densities if all requirements are met:</i>	<i>Additional Densities if all requirements are met and incentive offers are accepted as providing significant public benefits:</i>
<i>Tier 1</i>	<i>Up to 6</i>	<i>6.1 to 9</i>
<i>Tier 2</i>	<i>up to 10</i>	<i>10.1 to 14</i>
<i>Tier 3</i>	<i>up to 15</i>	<i>15.1 to 20</i>
<i>Tier 4</i>	<i>up to 21</i>	<i>21.1 to 27</i>

(c) During the rezoning process, the Village Council, among other determinations, may reduce the residential densities listed above 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.

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 33-516

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

Sec. 33 – 507. - Pattern books.

Section 33-393 of this code requires certain 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 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 additional standards 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 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.

_____ (5) 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.

_____ 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. 33-5XXX, 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.

_____ (3) 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. 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. Sidewalks and regularly spaced street trees are required on both sides of connecting streets.

(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 assure the walkability of such street and enhance connectivity, provided that such access points are otherwise allowable by the governmental agency which owns and maintains such arterial or collector roads.

(3) See also section 33-50XXX 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. Deviations can be requested at the same time from general standards 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 guidelines will allow variations in such forms as long as the overall objectives for connectivity and walkability are achieved on a performance-based standard. Based on the connectivity requirement set forth in Sec. 33-5XXX 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 streets, some of which will be Type A Public Streets or Type B Semi-Public Streets as set forth in Sec. 33-5XXX.

(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.

(b) Primary preservation areas are those with the densest indigenous plant communities and 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. 333-5XXX 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 facade 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 gates' 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, 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 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 33-5XXX):

(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.

(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) **Tier 2:** 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 street would be approximately 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, 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.

(f) **Tier 3.** Edges along connecting streets and other local streets in highly intense areas take on more and increasing importance because significantly more activity takes place outside vehicles. In addition to the visual edge standards set forth in Subsections (a) and (b) above, the following visible edge standards apply in Tier 3 along the edge of connecting streets and other local streets:

(1). Buildings must have their principal street facade within a reasonable distance from the appropriate edge of the street. For connecting streets, unless otherwise unfeasible, a reasonable distance would be approximately 120 feet. For other local streets, such reasonable distance, where feasible, would be approximately 20 feet. There is no designated maximum building length; however reasonably appropriate articulation of the mass and form of buildings is required.

(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 up to 42" tall. The wall may include a metal fence up to an additional 24" if the fence is not unreasonably opaque so as to become a visual barrier to the view from the street.

(5). Solid walls or fences up to approximately 42" 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 type of development.

(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. 33-5XXX.

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. 33-5XXX 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. 33-5XXX.

(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 the underlying Tier 1 standards set forth in Sec. 33-5XXX, the following 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 33-5XXX) 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; land used for Type C private streets will not be included.

(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. All housing types may be occupied by owners or renters and may be sold through fee-simple or condominium deeds.

(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 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 the underlying Tier 1 and Tier 2 standards, the following 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 code and the remainder 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 aspects of achieving the goals set forth in the General Criteria in Sec. 33-5XXX. 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 guidelines. 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 its 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. Since “high quality” is a very subjective term, 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 goals of high quality development and sustainability in terms of environmental and ecological sensitivity are further advanced by the concept of incremental development as it is envisioned under the rules with respect to 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 is contemplating 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 over time. 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 in terms of the public benefits of their unique development proposals. Sec. 33-5XXX 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 33-5XXX 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 defining principles set forth in the General Criteria under Sec. 33-5XXX, 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 written record of the hearings with respect to any rezoning or other land use application in the Estero PD district (a “Determination”).

As a part of the making of such a Determination, and with respect to the approval or denial or approval with conditions of a development plan, 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. The Village may also consider with respect to a development plan in the Village Center Area 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 than a 6' bike path/sidewalk even though both types of bike/hike paths are looked at 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 public benefit. To the extent that greater connectivity is offered in excess of the requirements with respect to Tier 1 development, the applicant would increase the likelihood of receiving a favorable Determination. Likewise, in Tier 1, if the level of connectivity does not meet the requirements with respect to such Tier, the Determination may be adversely impacted in terms of meeting the requirements for both Base Densities and Incentive Densities. Examples of interconnectivity offers that have a very high value to the Village include provision for 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. 33-5XXX 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 was seen by the public as creating lasting high value to the Village. Enhanced designs which increase sustainability and lower ecological and environmental impacts, such as buildings which meet high LEEDS 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 were ranked at a lower level than other incentive offers.

(4) Off-site civic spaces. (Low-Medium Value). Construction of civic spaces off-site were 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.

(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) Except as specifically excluded pursuant to subsection (c) below, the uses listed in table set forth under section 34-934 of the land development code, in the columns marked as Compact PD and MPD 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 such columns of section 34-934 (unless specifically excluded under subsection (c) below), may also be permitted if, in the opinion of the Village, they are substantially similar to a listed, but not excluded, permitted use.

(c) The following uses shown on Figure 33-519 attached hereto and marked in yellow are specifically excluded as permitted uses in the Estero PD district.

Sec. 33-520 – Approval Process for Rezoning 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 additionally empowered, at the request of the Chairman of the PZB, to advise the PZB with respect to the compliance of the Pattern Book required by Section 33-5XXX hereof with the General Criteria set forth in Section 33-5XXX in connection with an application for a rezoning in such district, and as to how the development plan to be delivered in connection with such application for rezoning complies with the General Criteria for the DRB set forth in Sec. 3-4 of Ordinance 2015-01. In furtherance of such advise to the PZB, the DRB shall hold a public hearing to determine such advise to the PZB, but shall not be required to hold a public information workshop under Sec. 3-3(3) of such Ordinance prior to or with respect to such public hearing.

Secs. 33-521—33-600. - Reserved.

DIVISION 6. - FRAMEWORK PLAN

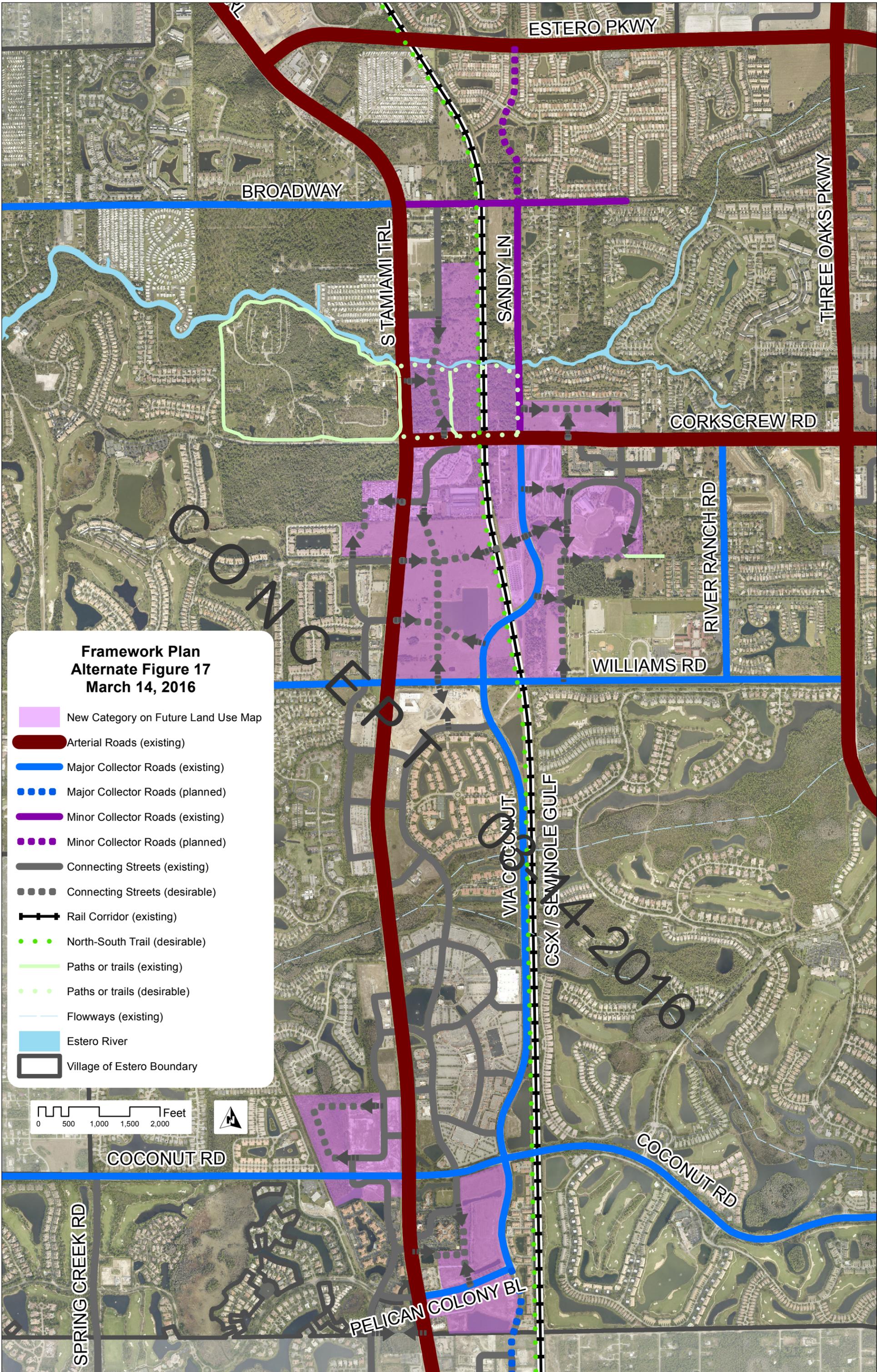
Sec. 33-601. - Connecting network.

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 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.

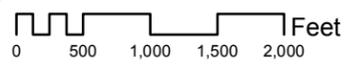
Development plans prepared for Compact Planned Development and Estero PD district zoning requests must demonstrate their compliance with all required aspects of the framework plan.

Secs. 33-603—33-1000. - Reserved.



**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



2016