

**Lee County Board Of County Commissioners  
Agenda Item Summary**

**DATE CRITICAL  
Blue Sheet No. 20051646**

**1. ACTION REQUESTED/PURPOSE:** Hold first public hearing regarding adoption of an ordinance creating Lee County Land Development Code Chapter 33. Direct ordinance to second public hearing on December 13, 2005 at 5:05 p.m. in the Board of County Commission Chambers.

**2. WHAT ACTION ACCOMPLISHES:** Satisfies the statutory requirement to hold two public hearings to amend the LDC. If adopted, Chapter 33 will serve to consolidate all existing and proposed regulations applicable to the Estero Planning Community under one Article; and, establish the basic framework for the addition of new regulations applicable to other planning communities in Lee County.

**3. MANAGEMENT RECOMMENDATION:** Approve.

**4. Departmental Category:**

*5:05 PH #1*

**5. Meeting Date:**

*11-22-2005*

**6. Agenda:**

- Consent
- Administrative
- Appeals
- Public
- Walk-On

**7. Requirement/Purpose: (specify)**

- Statute 125.66
- Ordinance
- Admin. Code
- Other

**8. Request Initiated:**

Commissioner \_\_\_\_\_  
 Department County Attorney  
 Division Land Use  
 By: *[Signature]*  
**Dawn E. Perry-Lehnert**  
 Assistant County Attorney

**9. Background:** The Board adopted Lee Plan Goal 19, establishing the Estero Planning Community, in 2002. Thereafter, a number of regulations were adopted as part of LDC Chapters 10, 30 and 34 specifically related to the Estero Planning Community. Over the last few years, a number of other planning communities within Lee County have been created through various Lee Plan amendments. These communities are also working to adopt Land Development Code (LDC) provisions to implement community specific regulations.

To facilitate the orderly implementation of a variety of community specific regulations as part of the LDC, County staff proposes consolidating the regulations and placing them in a single LDC chapter. Each community will then adopt regulations as part of an LDC Article dedicated solely to the specific planning community. The community specific regulations will be applied in addition to the standard LDC provisions regarding the particular development issue and any conflict between the provisions will be resolved in favor of the adopted community standards.

**10. Review for Scheduling:**

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
				<i>[Signature]</i>	<i>RK 11/9</i>	<i>MF 11-09-05</i>	<i>11/9/05</i>	<i>11/9</i>	<i>[Signature]</i>

**11. Commission Action:**

- Approved
- Deferred
- Denied
- Other

*[Handwritten notes and stamps]*

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**Page #:** 2  
**Subject:** LDC Chapter 33 Amendments

The proposed ordinance serves to create a new LDC Chapter 33 devoted solely to community planning areas and establishes a basic framework for the addition of other planning community regulations. It also serves to move and consolidate existing regulations applicable to the Estero Planning Community into a single Article under appropriate section headings. This ordinance was drafted in coordination with members of the Estero Planning Council.

The proposed ordinance has been reviewed by the Land Development Code Advisory Committee and the Executive Regulatory Oversight Committee, who endorsed the ordinance for Board consideration. The ordinance will be considered by the Local Planning Agency on November 28, 2005.

County staff recommends approval of the proposed ordinance.

Attachment:

1. Draft Ordinance
2. FAIS Form

cc: Mary Gibbs, Director, DCD  
Nettie Richardson, Senior Planner, DCD  
Dan Delisi, AICP, Director of Planning, Bonita Bay Group  
William Prysi, RLA, ASLA President/CEO, Conceptus  
Neal Noethlich

ORDINANCE NO. 05-

AN ORDINANCE AMENDING THE LEE COUNTY LAND DEVELOPMENT CODE CHAPTERS 10, 30, AND 34; AMENDING CHAPTER 10, DEVELOPMENT STANDARDS, GENERAL REQUIREMENTS APPLICABLE TO PLANNING COMMUNITIES (§10-9); AND

AMENDING CHAPTER 30, SIGNS, TO CREATE PLANNING COMMUNITY REGULATIONS (§30-56); AND

AMENDING CHAPTER 34, ZONING TO REPEAL ARTICLE VI, DIVISION 10, SUBDIVISION V PERTAINING TO ESTERO SPECIAL DEVELOPMENT OF AREAS OF HIGH GROWTH (§§34-1042 THROUGH 34-1048); AND REPEALING ARTICLE VI, DIVISION 11, SUBDIVISION II (TICE REDEVELOPMENT OVERLAY DISTRICT, §§34-1091 THROUGH 34-1093), SUBDIVISION III (FORT MYERS SHORES REDEVELOPMENT OVERLAY DISTRICT, §§34-1111 THROUGH 34-1113), AND SUBDIVISION IV (NORTH TAMiami TRAIL REDEVELOPMENT OVERLY DISTRICT, §§34-1122 THROUGH 34-1124) IN THEIR ENTIRETY; AMENDING GENERAL SUBMITTAL REQUIREMENTS FOR APPLICATIONS REQUIRING PUBLIC HEARING (§34-202; AND, APPLICATION PROCEDURE FOR PLANNED DEVELOPMENTS (§34-373); STREET SETBACKS (§34-2192); AND

REPEALING THE CONTENTS OF APPENDIX I, OVERLAY DISTRICTS, AND REPLACING THE CONTENTS WITH THE ESTERO PLANNING COMMUNITY, CORKSCREW/SANDY LANE OVERLAY MAP, ESTERO PANNING COMMUNITY, US 41 OVERLAY MAP, SAN CARLOS ISLAND OVERLAY DISTRICT MAP, SAN CARLOS ISLAND ZONING OVERLAY MAP AND LEGAL DESCRIPTION FOR SAN CARLOS ISLAND OVERLAY DISTRICT; AND

CREATING CHAPTER 33, PLANNING COMMUNITY REGULATIONS, PROVIDING ARTICLE I, IN GENERAL, PURPOSE AND INTENT (§33-1); APPLICABILITY (§33-2); EFFECT OF LDC PROVISIONS (§33-3); CONFLICT (33-4); DEVIATIONS/VARIANCES (§33-5); APPEAL (§33-6); CREATING ARTICLE II, PERTAINING TO THE ESTERO PLANNING COMMUNITY, PROVIDING PURPOSE AND INTENT (§33-51); APPLICABILITY (§33-52); PLANNING COMMUNITY BOUNDARIES (§33-53); COMMITTEE REVIEW (§33-54); EXISTING DEVELOPMENT (§33-55); DEFINITIONS (§33-56); DEVIATIONS AND VARIANCES (§33-57); DESIGN STANDARDS (§33-100); WATER MANAGEMENT (§33-111); UTILITIES (§33-112); PLACES OF PUBLIC INTEREST/OPEN SPACE (§33-113); PARKING (§33-114); SERVICES AREAS (§33-115); LIGHTING (§33-116);

NATURAL AND MAN MADE BODIES OF WATER (§33-117); INTERCONNECTIONS AND SHARED ACCESS (§33-118); AMENDING THE ARCHITECTURAL STANDARDS AND PROVIDING FOR APPLICABILITY (§33-226); ARCHITECTURAL STYLE (§33-227); COMPLIMENT SURROUNDING DEVELOPMENT (§33-228); MAXIMUM HEIGHT (§33-229); FACADE TREATMENT (§33-330); WINDOW TREATMENT (§33-331); AWNINGS (§33-332); COLUMNS (§33-333); BUILDING COLOR (§33-334); LANDSCAPING/WINDOW BOXES (§33-335); MULTI-TENANT BUILDINGS (§33-336); OUT-PARCELS (§33-337); INFILL DEVELOPMENT (§33-338); AMENDING LANDSCAPING STANDARDS, PROVIDING FOR LANDSCAPING BUFFERS (§33-351); PLANT MATERIALS (§33-352); LANDSCAPE DESIGN (§33-353); TREE PRESERVATION (§33-354); PROVIDING FOR TRANSIT FACILITATION (§33-361); PEDESTRIAN WALKWAYS/LINKAGES (§33-362); BICYCLE RACKS (§33-363); STREET FURNITURE AND PUBLIC AMENITIES (§33-364); AMENDING SIGN STANDARDS, PROVIDING FOR PURPOSE (§33-381); APPLICABILITY (§33-382); PROHIBITED SIGNS (§33-383); TEMPORARY SIGNS (§33-384); PERMANENT SIGNS IN COMMERCIAL AND INDUSTRIAL AREAS (§33-385); CREATING CORRIDOR OVERLAY DISTRICTS IN THE ESTERO PLANNING COMMUNITY, PROVIDING FOR PURPOSE AND INTENT (§33-400); APPLICABILITY (§33-401); AMENDING CORKSCREW ROAD AND SANDY LANE OVERLAY DISTRICT, PROVIDING FOR INTENT (§33-402); CORNER LOTS (§33-403); AREAS OF PUBLIC INTEREST (§33-404); STREET FRONT ACTIVITY (§33-405); PROPERTY DEVELOPMENT REGULATIONS (§33-406); CREATING US 41 OVERLAY DISTRICT, PROVIDING FOR INTENT AND SCOPE (§33-421); PARKING LOTS (§33-422); AMENDING PROVISIONS APPLICABLE TO DEVELOPMENT OF AUTOMOBILE SERVICE STATION AND CONVENIENCE FOOD AND BEVERAGE STORES IN ESTERO, PROVIDING FOR APPLICABILITY (§33-431); PURPOSE AND INTENT (§33-432); LOCATION AND SITE STANDARDS (§33-433); SETBACKS (§33-434); LANDSCAPING (§33-435); CURBING (§33-436); PERIMETER WALLS (§33-437); TRASH STORAGE (§33-438); STORAGE TANKS (§33-439); OUTSIDE DISPLAY OF STORAGE PRODUCTS (§33-440); BUILDING COLORS AND COLOR BANDING ON CANOPY STRUCTURES (§33-441); INFRASTRUCTURE FOR GENERATORS (§33-442); ENTRANCES AND EXISTS (§33-443); WAIVER OF DISTANCE REQUIREMENTS (§33-444); CREATING BIG BOX COMMERCIAL STANDARDS, PROVIDING FOR PURPOSE (§33-455); APPLICABILITY (§33-456) HORIZONTAL DESIGN ELEMENTS (§33-457); BUILDING LOCATION (§33-458); OUT PARCELS (§33-459); ACCESS (§33-460); PARKING (§33-461); OPEN SPACE (§33-462); SERVICE AND LOADING AREAS (§33-463); SHOPPING CART STORAGE (§33-464); VERTICAL DESIGN ELEMENTS (§33-471);

BUILDING DESIGN (§33-472); BUILDING FACADE (§33-473); WINDOWS, DOORS AND OTHER OPENINGS (§33-474); ROOFS (§33-475); WALLS AND FENCES (§33-476); SERVICES AREAS (§33-477); AND PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS AND AN EFFECTIVE DATE.

WHEREAS, Florida Statutes Section 125.01(1)(h) authorizes counties to establish, coordinate, and enforce zoning regulations necessary for the protection of the public; and

WHEREAS, the Board of County Commissioners adopted the Lee County Land Development Code, which contains regulations applicable to the development of land in Lee County; and

WHEREAS, Goal 25 of the Lee County Comprehensive Land Use Plan (Lee Plan) mandates that the county maintain clear, concise, and enforceable development regulations that fully address on-site and off-site development impacts, yet function in a streamlined manner; and

WHEREAS, in 2002 the Board adopted Goal 19 creating the Estero Planning Community; and

WHEREAS, Policy 19.1.1 indicates regulations pertaining to enhanced landscaping along roadway corridor, greater buffering, shading of parking areas, signage, lighting and architectural standard will be incorporated into the Land Development Code (LDC); and

WHEREAS, Policy 19.1.5 provides that a corridor management plan for the Estero US 41 corridor will be developed; and

WHEREAS, a number of other planning communities within Lee County has been created through various Lee Plan amendments; and

WHEREAS, creation of a new LDC Chapter to accommodate the growing volume of regulations applicable solely to specific planning communities is appropriate to provide an organized and comprehensive means to ensure that the adopted standards for each community are recognized and implemented; and

WHEREAS, the creation of LDC Chapter 33, requires relocation and amendment of regulations currently existing in LDC Chapters 10, 30 and 34; and

WHEREAS, the Land Development Code Advisory Committee has reviewed the proposed amendments to the Code and recommend approval; and

WHEREAS, the Executive Regulatory Oversight Committee reviewed the proposed amendments to the Code and recommend adoption; and

WHEREAS, the Local Planning Agency reviewed the proposed amendments on November 28, 2005, and found them consistent with the Lee Plan, as indicated.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA:

**SECTION ONE: AMENDMENT TO LDC CHAPTER 10**

Lee County Land Development Code Chapter 10, section 10-7 is hereby amended as follows, with deleted text identified with strike through and additional text identified with underlining.

**Chapter 10**

**DEVELOPMENT STANDARDS**

**ARTICLE I. IN GENERAL**

**Sec. 10-7. General requirements.**

(a) through (c) No change.

(d) ~~Estero Planning Community: All applications for Development Orders and Type 1, 2, 8, 10, and 12 Limited Review Development Orders requested within the Estero Planning Community must submit evidence of compliance with the following requirement of Section 34-1042 of this code:~~

~~The owner or agent for any of the referenced development orders must conduct one public informational session within the Estero Planning Community where the agent will provide an overview of the project for interested citizens. This meeting must be conducted before the application is submitted. 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. (This text was relocated to 33-54 ).~~

Planning community regulations. Development order applications and approvals for projects located within the following planning communities must also comply with the regulations set forth in Chapter 33 pertaining to the specific planning community.

(1) Estero Planning Community

(e) through (h) No change.

## **SECTION TWO: AMENDMENT TO LDC CHAPTER 30**

Lee County Land Development Code Chapter 30 is hereby amended to repeal Article VI pertaining to the Estero Sign Overlay District in its entirety. These regulations will be replaced or restated in LDC Chapter 33 as set forth below.

Chapter 30 is hereby further amended to create section 30-56 as set forth below.

### **Chapter 30**

#### **SIGNS**

#### **ARTICLE II. ADMINISTRATION AND ENFORCEMENT**

##### **Sec. 30-56. Planning community regulations.**

Applications and permit approvals for signs and sign structures associated with projects located in the following planning communities must also comply with the regulations set forth in Chapters pertaining to the specific planning community.

(a) Estero Planning Community

## **SECTION THREE: AMENDMENT TO LDC CHAPTER 34**

Lee County Land Development Code Chapter 34 is hereby amended to repeal Article VI, Division 10, Subdivision V (specifically sections 34-1042 through 34-1048) pertaining to the Estero Special Development of Areas of High Growth in its entirety. These regulations will be replaced or restated in LDC Chapter 33 as set forth below.

Chapter 34 is further amended to repeal Article VI, Division 11, Subdivision II (Tice Redevelopment Overlay District), Subdivision III (Fort Myers Shores Redevelopment Overlay District), and Subdivision IV (North Tamiami Trail Redevelopment Overlay District). Subdivisions I and VI, related to the San Carlos Island Redevelopment Overlay District will remain.

Chapter 34 is further amended as follows, with deleted text identified with strike through and additional text identified with underlining.

## Chapter 34

### ZONING

#### ARTICLE II. ADMINISTRATION

##### DIVISION 6. APPLICATION AND PROCEDURES FOR CHANGES, PERMITS, INTERPRETATIONS AND APPROVALS

#### **Sec. 34-202. General submittal requirements for applications requiring public hearing.**

(a) *All applications.* Every request for actions requiring a public hearing under this chapter must include the following. However, upon written request, on a form prepared by the county, the director may modify the submittal requirements contained in this section where it can be clearly demonstrated that the submission will have no bearing on the review and processing of the application. The request for a waiver or modification must be submitted to the director prior to submitting the application. A copy of the request and the director's written response must accompany the application and will become a part of the permanent file.

(1) through (9) No change.

(10) *Compliance with specific planning community requirements.* If the subject property is located in one of the following planning communities, the owner/applicant will be required to demonstrate compliance with the requirements applicable to the specific community as outlined in Chapter 33.

a. Estero Planning Community

(b) No change.

#### ARTICLE IV. PLANNED DEVELOPMENTS

##### DIVISION 2. APPLICATION AND PROCEDURE FOR APPROVAL

#### **Sec. 34-373. Application.**

(a) No change.

(1) through (9) No change.

~~(10) *Developments located within the Estero Planning Community.* Pursuant to policy 19.5.3 of the Lee Plan, the owner or agent for any planned development request within the Estero Planning Community must conduct one public informational session~~



where the agent will provide a general overview of the project for any interested citizens. This meeting must be conducted before the application can be found sufficient. 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. (The section relocated to 33-54)

(b) through (d) No change.

## ARTICLE. VII. SUPPLEMENTARY DIVISION REGULATIONS

### DIVISION 30. PROPERTY DEVELOPMENT REGULATIONS

#### *Subdivision III. Setbacks*

#### **Sec. 34-2192. Street setbacks.**

(a) No Change.

(b) No Change.

(1) through (4) No change.

(5) *Structures, parking and access drives along Corkscrew Road.* Because Corkscrew Road serves as a gateway to Florida Gulf Coast University, and because the board of county commissioners desires to promote an attractively landscaped, uniform appearance along the roadway, the following minimum setbacks for buildings, structures, parking lots and drives have been established.

~~All buildings and structures must be setback a minimum of 25 feet from the Corkscrew Road right-of-way extending from the eastern edge of the U.S. 41 right-of-way and the western edge of the I-75 right-of-way. All developments must comply with the architectural requirements set forth in Chapter 10, section 10-600 et seq.~~

All parking lots, access streets and drives must be set back a minimum of 50 feet from the right-of-way if located in the Interchange land use category and 75 feet from the right-of-way when located in any other land use category.

The following may be permitted within the setback area:

a. Structures listed in subsection (b)(1) of this section.

- b. Access drives that run perpendicular to the right-of-way.
- c. Landscaping, to include buffering, vegetation and required fences and walls.
- d. Water retention and drainage ponds.
- e. Project or subdivision entrance identification signs.

If an applicant desires to deviate from the above setback requirements, the board of county commissioners may, at the time of a rezoning in conjunction with a planned development application, approve the use of an alternative design betterment plan. All details of this plan must be submitted as part of the rezoning application. The detailed plan must, at a minimum, provide the locations of all structures, parking areas, internal walkways, open space and preserve areas, water management areas, access roads/ways and locations of proposed signs. A rendered drawing showing the design must also be submitted.

- (c) No change.

#### **SECTION FOUR: AMENDMENT TO LDC APPENDIX I**

Lee County Land Development Code Appendix I is hereby amended to repeal the contents of Appendix I in its entirety (pages I-1 through I-26) and replace the contents of Appendix I as follows:

Map 1: titled "Estero Planning Community, Corkscrew/Sandy Lane Overlay".

Map 2: titled "Estero Planning Community, US 41 Overlay".

Map 3: titled "San Carlos Island Overlay District". (Moved from page I-17)

Map 4: titled "San Carlos Island Zoning Overlay" (Moved from page I-18)

Legal Description for San Carlos Island Overlay District (Moved from pages I-19 and I-20)

#### **SECTION FIVE: CREATION OF LDC CHAPTER 33**

The Lee County Land Development Code is hereby amended to create a new Chapter 33 as follows. This initial creation of Chapter 33 includes the renumbering and amendment of existing LDC provisions pertaining to the Estero Planning Community. The existing section of the renumbered provision is identified parenthetically. In order to highlight amendments to the existing/renumbered LDC text, deleted text will appear struck

thru and additional text will be underlined. Wholly new sections pertaining to the Estero Planning Community will be identified parenthetically as "new".

## Chapter 33

### PLANNING COMMUNITY REGULATIONS

#### ARTICLE I. IN GENERAL

**Sec. 33-1. Purpose and Intent.** (All New- proposed by staff)

The purpose of this Chapter 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 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.

**Sec. 33-2. Applicability.** (All New- proposed by staff)

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 that has chosen to pursue adoption of guidelines for the particular community.

**Sec. 33-3. Effect of LDC provisions.** (All New- proposed by staff)

Development within the planning communities effected by this chapter must comply with all Lee County regulations, including the provisions of this code. The planning community guidelines are intended to supplement regulations in this Code.

**Sec. 33-4. Conflict.** (All New -As proposed by staff)

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 Lee Plan in effect at the time of the conflict is discovered will control. If the Lee Plan is silent with respect to the issue, then the most restrictive provision will control.

**Sec. 33-5. Deviations/variances.** (All New -As proposed by staff)

Deviations and variances from the provisions set forth in each article may be achieved under the guidelines set forth by the particular community. If the article does 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.** (All New -As proposed by staff)

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

**Sec. 33-7 - 33-50. Reserved.**

## **ARTICLE II. ESTERO PLANNING COMMUNITY**

### **DIVISION 1. IN GENERAL.**

**Sec. 33-51. Purpose and Intent.** (Modified and moved from §34-1042, 1<sup>st</sup> paragraph.)

The purpose of this division is to create standards for ~~areas of rapid commercial~~ 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 subject to the provisions of this Subdivision. The policies contained within this ~~subdivision~~ Article are intended to encourage mixed-use developments, interconnectivity, pedestrian activity, and to achieve and ~~The purpose of each overlay district is to maintain a unique, unified and pleasing aesthetic/visual quality in landscaping, architecture, signage.~~ The standards in Article II apply to all commercial, religious, institutional, and mixed use buildings within the Estero Community, except where the authority of a separate political jurisdiction supercedes county authority.

**Sec. 33-52. Applicability.**

(a) *Scope.* The following ~~standards~~ provisions apply ~~for~~ to all developments located in the Estero ~~Community Planning Area~~ Community, as defined in section 33-53 (a) and in Goal 19 of the Lee County Comprehensive Plan. (Modified and moved from §34-1044(a))

(b) *Development orders.* These ~~regulations~~ provisions apply to all Development Orders and type 1, 2, 8, 10, and 12 Limited Review Development Orders requested within the Estero Planning Community. (Modified and moved from §34-1042, 2<sup>nd</sup> paragraph, 1<sup>st</sup> sentence.)

**Sec. 33-53. Planning Community boundaries.** (All New - proposed by staff)

(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. Committee Review.**

(a) Development orders. ~~Estero Planning Community.~~ All applications for Development Orders and Type 1, 2, 8, 10 and 12 Limited Review Development Orders requested within the Estero Planning Community must submit evidence of compliance with the following requirement of ~~Section 34-1042 of this code.~~

The owner or agent ~~for any of the referenced~~ seeking a local development orders must conduct one public informational session within the Estero Planning Community where the agent will provide an overview of the project for interested citizens. This meeting must be conducted before the application is submitted. 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. (Modified and moved from §§10-7 and 34-1042)

(b) Planned development zoning actions. ~~Developments located within the Estero Planning Community.~~ Pursuant to policy 19.5.3 of the Lee Plan, the owner or agent for any planned development request within the Estero Planning Community must conduct one public informational session where the agent will provide a general overview of the project for any interested citizens. This meeting must be conducted before the zoning application can be found sufficient. 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. (Modified and moved from §34-373(10))

**Sec. 33-55. Existing development.**

Existing planned developments may voluntarily bring a master concept plan into compliance with the Estero Plan or any regulation contained in this subdivision administratively. No public hearing will be required if the sole intention is for existing planned developments to comply with these regulations. (Modified and moved from §34-1042(b))

**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 article only. If, when construing the specific provisions contained in this 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 which subdivide the area or elements; the joints or members add scale and rhythm to an otherwise plain surface. (Moved from §34-1043)

*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. (New -proposed by EPC)

*Column/pillar* means freestanding vertical supports that can generate unique features through the composition of the base, shaft and capital arrangement of column parts. (Moved from §34-1043)

*Facade* means the vertical exterior surfaces of a building. (New -proposed by EPC)

*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. (Move from §34-1043)

*Human scale and proportion* means the adequate positioning of building details and attributes that takes 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. (Moved from §34-1043)

*Interior access drive/street* means any vehicular roadway, excluding alleys or driveways, located within the confines of the property.(New -proposed by EPC)

*Internal block* means a building pad that does not front on a major road.(New -proposed by EPC)

*Large retail/ big box/ 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.(New -proposed by EPC)

*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) Liner buildings may either be an enclosed, partially enclosed, or a covered structure including covered walkways.(New -proposed by EPC)

*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. (New -proposed by EPC)

*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 not exceed 24 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 face of sign area for a monument sign is measured as a rectangle enclosing the entire width and height of the sign structure. (Moved from §30-401)

*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. (New -proposed by EPC)

*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. (New -proposed by EPC)

*Out parcel buffer – out parcel buffers* means building parcels that are placed along more than 75% of the public right-of-way, have 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 parcels. Properties sharing common buffers may agree to install a joint buffer at least eight feet in width provided it meets all type “D” buffer requirements and an additional three trees per 100 linear feet. When a building located in the Corkscrew Road overlay area is setback no more than 20 feet from the Corkscrew Road right-of-way ??? satisfy the front landscaping requirements of that section rather than this provision. (New -proposed by EPC)

*Parapet* means a low protective wall at the edge of a terrace, balcony or roof. (New -proposed by EPC)

*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. (New -proposed by EPC)

*Pedestrian passageway* means a pedestrian connection between buildings that allows safe access to other public spaces. (New -proposed by EPC)

*Pole sign* is a freestanding sign composed of a single, double, or multiple pole or support structure, that is not a solid monument-style support, which pole is in excess of twelve (12) inches in height. (Moved and modified from §30-401)

*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. (New -proposed by EPC)

*Street furniture* means objects that are constructed or placed above ground such as outdoor seating, kiosks, bus shelters, sculpture, tree grids, trash receptacles, fountains, and telephone booths, that have the potential for enlivening and giving variety to streets, sidewalks, plazas, and other outdoor spaces open to, and used by, the public. (Moved from §34-1043)

*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. (New -proposed by EPC)

*Vernacular* means building structure whose design is determined by an informal local tradition. A vernacular building is one that possess attributes common to other building in the region in terms of its appearance, use of materials, dimensions, exterior decoration and its approximate age. While there may be differences in attributes, it should "belong" and not seem out of place. (Moved from §34-1043)

**Sec. 33-57. Deviations and variances.** (All New-As proposed by EPC)

If an applicant desires to deviate from any architectural, site design, landscaping or signage guidelines in Article II an applicant may do so at the time of development order in accordance with section 10-2. 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).

**Sec. 33-58- 33-99. Reserved.**

DIVISION 2. DESIGN STANDARDS

**Sec. 33-100. Design guidelines standards.**

The design guidelines standards included in this subdivision ~~establish standards for the creation~~ are intended to help create a distinguished architectural style and appearance within the Estero Community Planning Boundary Community and the specific overlay districts identified in §33-53. The standards provide design criteria intended to stimulate



creative project designs, while fostering compatibility with surrounding developments.(Modified and moved from §34-1042(a))

~~Development Provisions~~—These development provisions are intended to create an integral distinct community image, one that will enhance, unify, and harmonize properties throughout the ~~Corkscrew Mainstreet Overlay District~~ Estero Planning Community. (Moved and modified from §34-1046(b))

**Sec. 33-101 - 33-110. Reserved.**

*Subdivision I. Basic Elements*

**Sec. 33-111. Water management.**

(a) 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. (Moved from §34-1046(b)(8)c.)

(b) The shape of a 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 81). (Modified and moved from §34-1046(b)(6)a.)

(c) Wet and dry detention areas must comply with section 33-117. (New-proposed by staff)

(d) All dry detention basins must be planted with a 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. (New- proposed by EPC)

**Sec. 33-112. Utilities.** (Moved from §34-1046(b)(8)b.)

All utility lines must be located underground except when located within a public street or road right-of-way.

**Sec. 33-113. Places of public interest/open space.** (Modified and moved from §34-1056(b)(10))

(a) Places of public interest/open space are intended to provide for areas of public interest within commercial developments and must be provided where possible. ~~Areas designated as such~~ These areas must be equipped with amenities such as seating areas, structures that provide shade, drinking fountains and other amenities.

(b) Umbrellas and open shopping carts are encouraged within these areas to stimulate informal activities. Open-air restaurants and cafes are encouraged.

(c) Landscaping elements such as plantings, fencing, and changes of paving material are encouraged to demarcate change in function of a public area and adjacent street. Where necessary, traffic calming devices must be applied to slow down traffic. (Refer to Figure 92)

**Sec. 33-114. Parking.** (Modified and moved from §34-1046(b)(7))

(a) Developments ~~with frontage onto Corkscrew Road~~ must follow these general requirements:

- (1) ~~Developer/owners must design~~ 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.
- (3) Joint/collaborative parking is encouraged within areas with pedestrian links.

(b) Parking ~~must be to the rear or side of buildings~~ lots must be located in accordance with LDC 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) 60 percent of any primary facade of a parking ~~structure or covered parking facility~~ 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 opening(s); 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.

**Sec. 33-115. Services areas.** (Moved from §34-1046(b)(11))

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.

**Sec. 33-116. Lighting.** (Moved and modified from §34-1046(a)(5))

(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.

(c) ~~Where possible, lighting can create focal points within projects.~~

(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.

**Sec. 33-117. Natural and man-made bodies of water.** (Modified and moved from §34-1046(b)(6)b.)

Bodies of water, including wet and dry detention areas, exceeding 20,000 square feet in cumulative area; and ~~that are~~ located adjacent to a public right of way are considered park area and an attractor for pedestrian activity. ~~As such, these~~ These areas; must incorporate into the overall design of the project at least two of the following items:

(a) 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,

(b) A public access pier with covered structure and seating; or,

(c) An intermittent shaded plaza/courtyard, a minimum of 200 square feet in area, with benches and/or picnic tables adjacent to the water body; and/or

(d) A permanent fountain structure.

**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 as outlined in Policy 6.1.2(5) of the Lee Plan. (All New - proposed by EPC)

(b) Inter-parcel vehicle access points between contiguous commercial and office 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. (Modified and moved from §34-1046(b)(8))

(c) Use of shared accessways is encouraged. (Moved from §34-1046(b)(8)d.)

**Sec. 33-119- 33-25. Reserved.**

*Subdivision II. Architectural*

**Sec. 33-226. Applicability.** (Modified and moved from §34-1046(a))

~~Architectural Design.~~ Architectural design of all commercial, industrial, public and mixed use buildings within the Corkscrew Mainstreet Overlay District Estero Planning Community must comply with the following performance guidelines: this subdivision.

**Sec. 33-227. Architectural style.** (Modified and moved from §34-1046(a)(1))

The preferred architectural style ~~within the Corkscrew Mainstreet Overlay District in the Estero Planning Community~~ is Mediterranean, with Old Florida where appropriate, and other styles of architecture that are deemed compatible with these styles. Distinct vernacular styles must be displayed through the inclusion of extended roof overhangs, porches, decorative columns, covered corridors, covered walkways, and pitch roofs (where applicable). Buildings of less than 5,000 square feet of gross floor area must be designed with roofs having a minimum pitch of 30 degrees (4:12). (Refer to Figure 43).

**Sec. 33-228. Compliment surrounding development.** (Moved from §34-1046(a)(2))

In addition to the requirements of section 10-620, all proposed commercial, industrial, public and mixed use buildings must blend with and complement existing architectural features of adjacent structures constructed under these standards.

**Sec. 33-229. Maximum height.** (Modified and moved from §34-1046(a)(6))

Buildings outside of the interstate Highway Interchange Areas are limited to a maximum of three stories or 45 feet, whichever is less, in height. Elements that enhance visibility, create focal points or amenities, such as turrets, sculpture, clock tower and corner accentuating rooflines, may exceed the maximum height limitations with an approved variance or deviation. (Refer to Figure 34.)

**Sec. 33-330. Facade treatment.** (Moved and modified from §34-1046(a)(3))

In addition to the requirements of section 10-620(c), projects must use architectural relief, articulation or landscaping on building facades to reduce the bulk of buildings with walls longer than ~~seventy-five (75)~~ feet that are either parallel to the street or perpendicular to and readily visible from the street. Buildings must be designed to be visually appealing from all directions. Buildings that are visible from more than one right-of-way, or an exit ramp must use facade treatments on all viewable walls. Methods for providing architectural relief of blank walls must include one or more of the following:

- (a) Recessed or clearly defined entryways;
- (b) Varying rooflines, pitches and shapes;
- (c) Dormers, balconies, porches and staircases;
- (d) Transparent window or door areas or display windows, that provide visibility into the building interior. No reflective or darkly tinted glass may be used on ground level;
- (e) Overhangs, awnings and marquees;
- (f) Building ornamentation and varying building materials, colors, decorative tiles, edifice detail such as trellises, false windows or recessed panels reminiscent of window, door or colonnade openings and wall murals;
- (g) Shrubs or vines trained to grow upright on wire or trellises next to blank walls;
- (h) Architectural features such as cornices, articulated roof parapets, porticos, towers or other details that alter the building height;
- (i) Application of a contrasting base that is a minimum one ~~(1)~~ foot high and extends along the entire front of the building and at least ten feet along the sides of the building.
- (j) Buildings, awnings, roofs, windows, doors and other elements will 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. (New subsection-proposed by EPC)

**Sec. 33-331. Window treatment.** (Moved from §34-1046(a)(12))

Place display windows at the street level around the exterior of commercial buildings and provide windowsills and ledges. Windows must not appear to be false and applied.

**Sec. 33-332. Awnings.** (Moved and modified from §34-1046(b)(1))

(a) If an awning is over a public sidewalk, it must project from the surface of the building at a minimum height of 8 feet. No awnings may be placed in or over any public right of way of ~~Corkscrew Road, Sandy Lane or Three Oaks Parkway.~~

(b) The design, materials and color of the awnings must complement the architecture of the building and not obscure its features.

(c) Awnings must be consistent with the visual scale of the building.

(d) Awnings must be placed at the top of openings. The awning shape must correspond with the shape at the top of the opening. Flat canopies are discouraged except in circumstances where it is accompanied by a valance (Refer to Figure 5).

(e) Materials must be of high quality, durable and weather resistant. Plastic or shiny materials are prohibited.

**Sec. 33-333. Columns.** (Moved from §34-1046(b)(3))

Create aesthetic details in columns/pillars. (Refer to Figure 6).

**Sec. 33-334. Building Color.** (Moved from §34-1046(b)(2))

(a) The colors for commercial structures must be neutral, warm earth tones or subdued pastels. Where applicable, commercial buildings may use brightly colored trims, cornices, or columns that may be reinforced to create a special effect or setting. However, these contrasts must create a harmonious impact, complementing the principal structure as well as existing surrounding building structures.

(b) Brighter colors can be utilized to create focal points of interest in locations including on doors, windows and architectural details. Buildings should not exceed three colors on one architectural detail in composite. Contrasting accent colors of any wall, awning or other feature must be limited to no more than 10% of the total area for any single facade.

**Sec. 33-335. Landscaping/window boxes.** (Modified and moved from §34-1046(a)(11))

In lieu of addition to building perimeter plantings required by section 10-416(b), buildings may incorporate live plant material growing immediately on the building, by providing window boxes, planter boxes or hanging flowers, ~~however, development must preserve and maintain indigenous existing plants on site wherever possible.~~

**Sec. 33-336. Multi-tenant buildings.** (Moved from §34-1046(a)(5))

For multi-tenant buildings, roof parapets must be varied in depth and height. Roof parapets must be articulated to provide visual diversity. Parapets must include architectural relief or features at least every 75 feet. The minimum height of the architectural features must be one foot, and may be provided in height offset or facade projections such as porticoes or towers.

**Sec. 33-337. Out-parcels.** (Modified and moved from §34-1046(a)(7))

Exterior facades of out-parcel buildings must be treated as primary facades and must employ architectural, site, and landscaping design elements that are common to the theme used on the main development on site including colors and materials associated with the main building. The purpose of this requirement is to assure a unified architectural theme and site planning between out-parcels and the main building(s) on site, enhance visual impact of the building(s) and to provide for a safe and convenient vehicular and pedestrian access and movement on site.

**Sec. 33-338. Infill development.** (Moved from §34-1046(a)(4))

Buildings planned for infill developments must be designed to relate to adjacent property structures so as to create an overall visually pleasing effect. In developing an infill development, consideration must be given to existing adjacent building heights, roof structures, colors, cornices and other architectural elements provided they are in compliance with these guidelines. (Refer to Figure 27 ).

**Sec. 33-339 - 33-350. Reserved.**

*Subdivision III. Landscaping*

**Sec. 33-351. Landscaping Buffers.** (Modified and moved from §34-1044(b))

The following landscape buffer requirements substitute for LDC Sections 10-416(d)(3) and (4) within the Estero Planning Community. The purpose of this section is to create buffers that are more functional to the creation of pedestrian environments, mixed-use developments and buffering of incompatible uses.

Proposed Uses	SF-R	MF-R	COM	ROW	IND	STP	AG	WOR
SF-R	=A	A	=A	=D <sup>4</sup>	--	--	--	--
MF-R	B	A	=B	D <sup>3</sup>	A	A	--	--
COM	C/F <sup>1</sup>	C/F <sup>1</sup>	A <sup>2</sup>	D <sup>3</sup>	A	--	A	A
WOR	B	B	A	D <sup>3</sup>	A	A	=C/F	A
IND	E	E	B	D	A	A	A	B
STP	E	E	E	C	C/F	A	C/F	C

Notes:

- 1 Commercial projects that are part of mixed use developments, as defined in LDC Section 34-2, are not required to provide buffers between uses.
- 2 Type "A" buffers required between commercial uses must be designed to allow for pedestrian, bicycle, and automobile connections through adequate spacing between required trees. Palms may be used where COM abuts COM on a 1:1 basis, if they are clustered as defined.
- 3 The Type "D" buffers required between commercial uses and rights-of-way may be waived, or reduced if the proposed building setback is within 25 feet of the ROW; t This is not intended to allow for a reduction in LDC general tree requirements or building perimeter tree requirements.
- 4 All Residential Planned Developments adjacent to I-75 are required to plant a buffer 40' in width and must contain 15 trees, 50 shrubs and 60 ground cover plants per 100 linear feet. If a berm is constructed, the 40' setback must include a minimum of 8 feet from the toe of the berm to the right-of-way to allow for both state and private property maintenance of the edge of the right-of-way and for maintenance of the berm.



Buffer Types (per 100 linear Feet) <sup>1</sup>						
Buffer Types	A	B	C	D	E	F
Minimum Width in Feet	5	15	20	20	30	50
Minimum # of trees	4	5	10	5 <sup>4</sup>	10	15
Minimum # of shrubs	-	Hedge	30	Hedge	30	Hedge
Wall Required <sup>2</sup>	-	-	8'ht. solid	-	8'ht. Solid	-

Notes:

- 1 All landscape buffer designs should complement adjacent project buffers to help aid in establishing a continuous landscape theme within the Estero Planning Community. The use of plant material indigenous to and consistent with existing vegetation within the Estero Planning Community is recommended.
- 2 A solid wall, berm, or wall and berm combination, not less than eight feet in height. All trees and shrubs required in the buffer must be placed on the residential side of the wall. The height of the wall must be measured from the average elevation of the street or streets abutting the property, as measured along the centerline of the streets, at the points of intersection of the streets with the side lot lines (as extended) and the midpoint of the lot frontage. Walls must be constructed to ensure that historic flow patterns are accommodated and all stormwater from the site is directed to on-site detention/retention areas in accordance with the SFWMD requirements.
- 3 Hedges must be planted in double staggered rows and be maintained so as to form a 36-inch high (F type buffers must be 48 inches at installation and be maintained at 60 inches high) continuous visual screen within one year after time of planting. In situations where the elevation of the ROW is higher than the elevation of the adjacent property, ~~hedges must be planted~~ the effective plant screen must have an elevation of 36-inches as in height measured from the highest elevation within the buffer area resulting from the combination of the berm and/or plants. Clustering of shrubs, ~~which that~~ would not create a continuous visual screen, but add interest to the landscape design, is allowed on a review basis by Development Review staff.

- 4 Trees within the ROW buffer must be appropriately sized in mature form so that conflicts with overhead utilities, lighting and signs are avoided. The clustering of trees and use of palms within the ROW buffer will add design flexibility and reduce conflicts.

**Sec. 33-352. Plant materials.** (All new-Proposed by EPC)

- (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. Single trees may be used in clusters 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 constitutes 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 constitutes more than 50 percent of the required tree count.
- (C) Soldiering of cabbage palms in buffers is prohibited.

**Sec. 33-353. Landscape Design.** (Modified and moved from §34-1046(b)(4))

(a) Developments must provide separation between pedestrian and vehicular movement by using plantings as space defining elements.

(b) Developments must utilize both soft hardscape and ~~hard~~ landscape features as space defining elements (Refer to Figure 78), including, where possible:

- (1) Provide distinctive paving or painting to define the appropriate location for pedestrian and vehicular traffic;
- (2) Provide plantings such as street trees, hedges and screening;
- (3) Replicate landscaping patterns and materials to visually unify a development. Create 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) Select 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, 12-14 foot planted height, 6 foot spread and 3 1/2 inch caliper, or field grown equivalent, at the time of planting.

(d) Not more than 10 percent of the required internal landscape area, as related to the vehicular use area identified in section 10-416, may be planted in sod.

**Sec. 33-354. Tree preservation.** (Modified and moved from §34-1046(b)(13))

(a) In an effort to preserve expansive open spaces and native vegetative communities, development must be clustered to reserve large areas of open space;

(b) ~~The~~ Existing native vegetation must be preserved whenever possible ~~except~~ ~~invasive exotic plant species~~; and

(c) Infrastructure design must integrate existing trees and the natural character of the land to the greatest extent possible.

**Sec. 33-355- 33-360. Reserved.**

*Subdivision IV. Transportation*

**Sec. 33-361. Transit facilitation.** (Modified and moved from §34-1046(b)(12))

Provide for convenient access to public transportation, ride-share and passenger drop off areas. The following examples are design techniques that are ~~encouraged~~ expected to meet this requirement:

(a) Accommodate public transportation vehicles on the road network that services the development.

(b) Provide passenger loading/unloading facilities.

(c) For streets adjacent to a development, provide sidewalks and other pedestrian facilities such as bus shelters.

(d) Provide a convenient and safe access between building entrances and a transit or bus area, such as walkways or painted pedestrian crosswalks.

**Sec. 33-362. Pedestrian walkways/linkages.** (Modified and moved from §34-1046(b)(9))

The following requirements are in addition to the requirements of Section 10-610(d):

(a) 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.

(b) In order to accentuate and highlight pedestrian areas, wherever possible, materials must include specialty pavers, concrete, colored concrete or stamped concrete patterns.

(c) 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:

(1) Incorporate cross-site pedestrian connections within projects.

(2) 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.

(d) Sidewalks or pedestrian ways must connect the on-site pedestrian systems to pedestrian systems on adjacent developments.

(e) Traffic calming devices at the discretion of the developer must be provided at points where conflicting pedestrian and vehicular movements exist.

(f) 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 4' 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. (All New subsection-proposed by EPC)

**Sec. 33-363. Bicycle racks.** (Modified and moved from §34-1046(a)(13))

Bicycle racks are required for all retail and office developments within overlay districts. ~~Parking requirements set forth in LDC section 34-2020 for retail and other office Developments may be reduced by one automobile space for every two bicycle spaces above ten with a maximum reduction of five percent of the total required parking.~~

**Sec. 33-364. Street furniture and public amenities.** (Modified and moved from §34-1046(a)(14))

Developments ~~are encouraged to include~~ 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.

**Sec. 33-365 - 33-380. Reserved.**

*Subdivision V. Signs*

**Sec. 33-381. Purpose.** (Modified and moved from §30-400)

The purpose and intent of this ~~article~~ subdivision is to modify and supplement this chapter 30 in order to protect and preserve the character and appearance of the Estero Planning Community.

**Sec. 33-382. Applicability of ~~article~~; conflicting provisions.** (Moved and modified from §30-402)

This ~~article~~ subdivision is adopted as an addendum to the general sign ordinance of the county set out in ~~articles I through IV of this regulations set forth in chapter 30~~. ~~The provisions of articles I through IV of this chapter 30 remain in full force in the Estero Planning Community. In the case of conflicts between provisions of this article subdivision and other provisions of this chapter 30, the more restrictive will control.~~

**Sec. 33-383. Prohibited signs.** (Modified and moved from §30-404)

The following types of signs are prohibited within the Estero Planning Community:

- (a) Animated signs.
- (b) Emitting signs.
- (c) Balloons, including all inflatable air signs or other temporary signs that are inflated with air, helium or other gaseous elements.
- (d) 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, ~~or except as allowed by 30-405.~~
- (e) Changing sign (automatic), including electronic changing message centers, except as approved within a development of regional impact by planned development zoning resolution prior to June 24, 2003.
- (f) Figure-structured signs.

(g) Pole signs/freestanding.

(h) pylon signs, except as approved within a development of regional impact by planned development zoning resolution prior to June 24, 2003.

(i) Off-site directional signs, except as approved within a development of regional impact by planned development zoning resolution prior to June 24, 2003.

**Sec. 33-384. Temporary signs.** (Modified and moved from §30-405)

(a) Temporary sign permits for prohibited signs will not be issued.

(~~a~~) Special occasion signs.

(1) Temporary on-site signs 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. Any business found in violation of the time limitation in ~~2. above, subsection (b)~~ 1.b. above, within a calendar year is not eligible to receive a temporary sign permit.

(~~b~~) Signs must be located on-site ~~only~~ and in ~~such a manner as to~~ that does not create any traffic or pedestrian hazard;

(~~e~~) Signs illuminated by electricity must comply with all electrical and safety codes; and

(~~d~~) Signs must be constructed and secured in accordance with all applicable standards.

**Sec. 33-385. Permanent signs in commercial and industrial areas.** (Modified and moved from §30-406)

(a) *Identification sign.* A nonresidential subdivision or parcel will be permitted one

monument-style identification sign along any street which provides access to the property in accordance with section 30-153. as follows:

- ~~(1) *Sign area.* One square foot of sign area per face will be permitted for every one linear foot of frontage, provided that:~~
- ~~a. Every parcel will be allowed one monument-style identification sign but no sign may exceed 200 square feet in area per sign face.~~
  - ~~b. Only one monument-style identification sign will be permitted along any street frontage of less than 330 linear feet. A second monument-style identification sign may be permitted if the frontage along any one street exceeds 330 linear feet, provided that the total combined sign area of both signs does not exceed 300 square feet.~~
  - ~~c. On corner lots, the developer may either place one monument-style identification sign on both streets providing access as stipulated in subsections(2)a.1.i. and ii. of this section, or he may place one sign in the corner with a total sign area based upon the total frontage of both streets provided the maximum sign area does not exceed 300 square feet per face.~~
  - ~~d. Where a nonresidential subdivision has more than one entrance from the same street, one additional monument-style identification sign not exceeding 16 square feet in area, not illuminated, and displaying only the name of the development may be permitted at each additional entrance.~~
  - ~~e. The total height of the sign structure may exceed the average width of a monument-style identification sign.~~

~~(21) Except as provided in subsection (43) below, the maximum height of any identification sign will be 24 17 feet.~~

~~(32) Lighting.~~

- ~~a. *Permissible lighting.* Except as provided in subsection section 30-153(2)a.1.iv of this section, the monument-style identification sign may be illuminated by:~~
  - ~~1. Individual internally illuminated letters and logo on an unlit background;~~
  - ~~2. Lighting behind the letters and logo that illuminates the sign background;~~
  - ~~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 signs must not be animated and must not be illuminated by:
1. Visible source of external floodlighting
  2. Exposed neon ~~unless integral to the architectural feature design.~~
  3. Exposed raceways.
- c. All electrical connections, wiring, etc., must be concealed.
- (43) 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 10 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 7 feet, and the sign is not located within 10 feet of any overhead electrical supply.
- (54) 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.
- (65) Copy area may not exceed 75 percent of the total sign area and 25 percent of the sign area must be devoted to architectural features.
- (76) Signs identifying individual businesses must be easily read from the pedestrian level.
- (87) Signs must match the architectural style of the building or development.
- (8) Wall signs are permitted on any wall facing a collector or arterial street or parking lot in accordance with LDC Section 30-153(2)(c)1., with a maximum area of 300 square feet per wall per tenant. This area is to be determined by the sum of all reasonable rectangles that enclose the sign parts. Wall signs will be limited to



business name and logo, and must not contain advertising messages or sales item names.

**Sec. 33-386 - 33-399. Reserved.**

DIVISION 3. CORRIDOR OVERLAY DISTRICTS

**Sec. 33-400. Purpose and intent.** (All New - proposed by EPC)

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

**Sec. 33-401. Applicability.** (Moved from §34-1045(c))

Whenever the requirements of the overlay districts impose a different standard than the provisions of the Land Development Code, the requirements of the overlay district will govern. Except where specifically modified by the provisions of this subdivision, all other requirements of the Land Development Code will apply.

*Subdivision I. Corkscrew Road and Sandy Lane*

**Sec. 33-402. Intent.** (All New - proposed by EPC)

The Corkscrew Road and Sandy Lane district 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. These districts are depicted in Appendix I, Map 1.

**Sec. 33-403. Corner Lots.** (Moved from §34-1046(a)(8))

In addition to the requirements of section 10-620(c)(3), create visually and 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-49).

**Sec. 33-404. Areas of public interest.** (Moved from §34-1046(a)(9))

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.** (Moved from §34-1046(a)(10))

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.** (Moved and modified from §34-1047)

Setbacks for the Corkscrew Road and Sandy Lane Main Street Overlay Districts are shown in the following Table 1. With the exception of setbacks set forth within Table 1, the property development regulations set forth in section 34-935 will apply. Table 1 specifically modifies and supercedes 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 that were 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. ~~because property development regulations for planned developments reviewed during the rezoning process, the following regulations for development will only be subject to review by the community where development is within a conventional zoning district.~~

Table 1			
Dimensional Regulations	Special Notes	Corkscrew Road & Sandy Lane Main Street Overlay Districts	
		Minimum	Maximum
	34-2191 et seq.		
Street (feet) <sup>2</sup>		0'	25'
Side yard (feet) <sup>3</sup>		0'	N/A
Rear yard (feet)		25'	N/A
Water body (feet)		25'	N/A

**Notes:**

- (1) Building set back requirements must follow these General Requirements (See Figure 92):
  - a. Setbacks will be established to facilitate the creation of uniform streetscape.
  - b. Maximum right-of-way setbacks will be 0' to 25'. 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 34-1043 (c). Interior lots are permitted for developments provided that there is a minimum 75-foot setback for all parking lots.

- c. Minimum of 40% 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 Main Street 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 5 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 land owner will be able to maintain the exterior wall. The exterior walls of buildings must meet fire protection standards.

Sec. 33-407- 33-420. Reserved.

*Subdivision II. US 41*

(This subdivision is All New- proposed by ECP)

**Sec. 33-421. Intent and scope.** (All New - proposed by ECP)

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 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 South Lee County. The following regulations aim to create a roadway corridor that enhances the drive through experience of the Estero Planning Community. The US 41 Overlay is depicted on Appendix I, Map 2.

**Sec. 33-422. Parking lots.** (All New - proposed by ECP)

(a) Freestanding buildings or shopping center developments containing 7,500 gross square feet of space or less may provide no more than 20% of parking areas in the front of building(s) and/or be limited to no more than one double row of parking. No more than 20% 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 34-3044(d), containing a two to three foot undulating landscaped berm, without a wall, is required. The intent is to screen parking areas but not buildings.

**Sec. 33-423-33-430. Reserved.**

DIVISION. 4. SPECIFIC USES

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

**Sec. 33-431. Applicability.** (Moved from 34-1044(c))

The following regulations apply to the location, layout, drainage, operation, fencing, landscaping, parking, architectural features and permitted sales and service activities of automobile service stations and also convenience food and beverage stores selling motor fuels.

For purposes of this section only, the term "automobile service station" will be interpreted to also include the use "convenience food and beverage stores" selling motor fuels.

**Sec. 33-432. Purpose and intent.** (Moved from 34-1044(c)(1))

Ensure that automobile service stations do not adversely impact adjacent land uses, especially residential land uses. The high levels of traffic, glare, and intensity of use associated with automobile service stations, particularly those open twenty-four hours, are incompatible with surrounding uses, especially residential uses. Therefore, in the interest of protecting the health, safety and general welfare of the public, the following regulations apply.

**Sec. 33-433. Location and site standards.** (Moved from 34-1044(c)(2))

All automobile service stations must meet the following criteria:

(a) *Minimum frontage:* An automobile service station may not be located on a lot with less than 150 feet of frontage on a vehicular right-of-way.

(b) Minimum depth: 180 feet.

(c) *Minimum lot or parcel area:* 30,000 square feet.

(d) *Separation requirements:* There must be a minimum distance of 500\* feet, between the nearest points on any lot or parcel of land to be occupied by automobile service stations, and any lot or parcel for such use already occupied by an automobile service station, or for which a building permit has been issued.

\* unless waived by the director in compliance with ~~subsection p. below~~ section 33-444.

**Sec. 33-434. Setbacks.** (Modified and moved from 34-1044(c)(2)e)

Minimum yard requirements: The following setbacks are the minimum setbacks for all structures.

- (a) Front yard setback – 50 feet.
- (b) Side yard setback – 40 feet.
- (c) Rear yard setback – 40 feet.

**Sec. 33-435. Landscaping.** (Modified and moved from 34-1044(c)(2)f)

The following landscape requirements are in addition to the requirements set forth in ~~section 34-1044(b)~~ chapter 33, article II, division 2, subdivision III.

(a) *Right-of-way buffer landscaping:*

- (1) Landscaping adjacent to rights-of-way external to the development project must be located within a landscape buffer easement that is a minimum of 25 feet in width.
- (2) A horizontal undulating berm with a maximum slope of 3:1 must be constructed along the entire length of the landscape buffer. The berm must be constructed and maintained at a minimum average height of three feet. The berm must be planted with ground cover (other than grass), shrubs, hedges, trees and palms.
- (3) The required trees and palms must be clustered in double rows with a minimum of three trees per cluster. Canopy trees must be planted a maximum of 20 feet on center within a cluster. The use of palms within the right-of-way buffer must be limited to landscaped areas adjacent to vehicular access points. Palms must be planted in staggered heights to a minimum of three palms per cluster, spaced at a maximum of eight feet on center, with a minimum of a four foot difference in height between each tree. Exceptions will be made for *Roystonea spp.*, *Bismarka spp.* and *Phoenix spp.* (not including *roebelenii*), which may be planted one palm per cluster. A maximum distance of 25 feet between all types of tree clusters must be maintained.
- (4) ~~All trees must be a minimum of 14 feet in height at installation. Trees must have a minimum of a 3½ inch caliper at 12 inches above the ground and a six foot spread~~ meet the minimum standards stated in section 33-353(c). At installation,

shrubs must be a minimum of ten gallon, five feet in height with a three foot spread, planted four feet on center.

(b) *Landscaping adjacent to all other property lines:*

- (1) Side property boundaries must be planted with single row hedges consistent with the minimum landscaping and buffering requirements of this subdivision.
- (2) Rear property boundaries must be planted with a single row hedge. The hedge must be a minimum height of four feet at planting, planted at three feet on center and must be maintained at a height of five feet.

**Sec. 33-436. Curbing.** (Modified and moved from 34-1044(c)(2)g)

Curbing must be installed and constructed consistent with minimum code requirements, between all paved areas and landscape areas.

**Sec. 33-437. Perimeter walls.** (Moved from 34-1044(c)(2)h)

Automobile service station sites must be separated from adjacent residentially zoned or residentially developed properties by an architecturally designed eight-foot high masonry wall or fence utilizing materials similar in color, module and texture to those utilized for the building. Landscaping must be planted on the residential side of the fence or wall.

**Sec. 33-438. Trash storage.** (Modified and moved from 34-1044(c)(2)j)

An eight-foot high, enclosed trash area must be integrated with the design of the service station.

**Sec. 33-439. Storage tanks.** (Moved from 34-1044(c)(2)i)

Motor vehicle fuel storage tanks must be located below grade.

**Sec. 33-440. Outside display or storage products.** (Moved from 34-1044(c)(2)k)

Outside display or storage of products is prohibited.

**Sec. 33-441. Building colors and color banding on canopy structures.** (Moved from 34-1044(c)(2)l)

Color accent banding on fuel pump canopy structures and all other structures is prohibited. Canopies must be of one color, consistent with the predominant color of the principal structure, if applicable. The color of all structures on site must be of soft earth tones or pastels.

**Sec. 33-442. Infrastructure for generators.** (Moved from 34-1044(c)(2)m)

Each automobile service station must provide the necessary infrastructure and pre-wiring to provide the capability for generator service in case of emergencies.

**Sec. 33-443. Entrances and exits.** (Modified and moved from 34-1044(c)(2)o)

No automobile service station may have an entrance or exit for vehicles within 200 feet along the same side of a street as a school, public playground, child care center, church, hospital, or public library.

**Sec. 33-444. Waiver of distance requirements.** (Modified and moved from 34-1044(c)(2)p)

The Director of Community Development may grant a waiver of part or all of the minimum separation requirements set forth in section ~~34-1044(c)(2)(d)~~ 33-433(d), if it is demonstrated by the applicant that the site proposed for development of an automobile service station is separated from another automobile service station by natural or man-made boundaries, structures, or other features which offset or limit the necessity for such minimum distance requirements. The Director's decision to waive part or all of the distance requirements must be based, in part, upon whether or not:

- (a) The nature and type of natural or manmade boundary, structure, or other feature lying between the proposed establishment and an existing automobile service station is determined by the ~~board~~ Director to lessen the impact of the proposed automobile service station. Such boundary, structure or other feature may include, but ~~is~~ is not ~~be~~ limited to, lakes, marshes, nondevelopable wetlands, designated preserve areas, canals and a minimum of a four-lane arterial or collector right-of-way.
- (b) The automobile service station is only engaged in the servicing of automobiles during regular, daytime business hours, or if in addition to or in lieu of servicing, the station sells food, gasoline and other convenience items during daytime, nighttime, or on a 24-hour basis.
- (c) The automobile service station is located within a shopping center and has access only from a shopping center parking lot aisle or is not within a shopping center and has access directly to a platted road right-of-way.
- (d) The granting of the distance waiver will have an adverse impact on adjacent land uses, especially residential land uses.

**Sec. 33-445-454. Reserved.**

*Subdivision. II. Big Box Commercial*

**Sec. 33-455. Purpose.** (All New - proposed by ECP)

Big Box retail designs pose enormous challenges to the community, governmental agencies, and designers because they are large and difficult to coordinate within the

existing context of the community without detracting from the existing scale, connectivity, traffic patterns, walk-ability and image for the area. It is understood that large retailers can produce a useful economic function, serving as anchors for a center, bringing in sales and property taxes, revenues, and regional draws that can benefit the community and other business in the area. It is not the intention of these guidelines to eliminate Big Box retailers from the market place, but to assimilate them into the community for the mutual benefit of both. These guidelines have been drafted to acknowledge that large retail stores can be a productive and aesthetically pleasing part of a community and can be designed so as to minimize any negative impacts on the community

**Sec. 33-456. Applicability.** (All New- proposed EPC)

The Big Box commercial design standards, as set forth in this subdivision, are applicable throughout the Estero Planning Community, unless otherwise provided below:

(a) *Renovations or remodeling.* In the case of renovations to a big box building's facade, the cost of which does not exceed 50 percent of the value of the existing structure, or reconfiguration of vehicular use areas, the provisions of this subdivision will be applied only to the specific areas of renovation, remodeling or reconfiguration.

(b) *Redevelopment.* In the case of additions to, or redevelopment of, an existing big box building or project, where either the cost of such addition or redevelopment exceeds 50 percent of the value (based on the property appraiser's assessment) of the existing structure or structures, or 20 percent of the square footage of the existing structures, the provisions of this subdivision will apply.

(c) *Discontinuance.* Where the use of a big box structure ceases for any reason for more than 180 consecutive days, compliance with this subdivision is required prior to re-occupancy of the structure.

(d) *Developments of Regional Impact (DRI).* Developments of Regional Impact are exempt from the standards of this subdivision provided that design standards for the DRI are approved by the county as part of the zoning process. An example of this would be a new or existing regional mall type structure or as a requirement of the DRI Development Order.

**Sec. 33-457. Horizontal design elements.** (All New- proposed by EPC)

(a) *Purpose.* The following horizontal design standards have been created to help manage the horizontal design elements of a big box project. Horizontal design elements are defined as those elements that lay horizontal on the site and include, but are not limited to items such as sidewalks, wet and dry retention, roads, parking lots, site design, utilities, and landscaping. The intent is to create flexible and functional standards for site development of large tracts of land that contain one or more large retailers. The provisions related to the horizontal design elements are set forth in section 33-458 through 33-464.



**Sec. 33-458. Building location.** (All new- proposed by EPC)

(a) *Big box buildings.*

- (1) To the extent possible big box retail buildings must be placed in a location that will satisfy functional needs while providing and being aesthetically pleasing for the community, the site, and the developer/retailer.
- (2) Big box retail buildings must be placed away from residential areas. (see Figure 10)
- (3) Large format retail buildings must provide liner buildings along all primary facades and on a minimum of two sides of the building. (see Figure 11)

(b) *Liner buildings.*

- (1) The purpose of liner buildings is to break the big box retail building down into smaller massing elements, and conceal any blank walls or facades of the large retail structure while creating scale and architectural character.
- (2) Liner buildings may be placed on any side of the building, but must be placed along all walls of big box buildings that face public right of ways (see Figure 11). Liner buildings must be utilized on a minimum of two sides of each building with over 50,000 square feet.
- (3) Liner buildings must cover a minimum of 40 percent of the primary building facade.
- (4) The roof height of a liner structure must be at least 5 feet lower or higher than the roof of the related big box.
- (5) Liner buildings must be designed to be complimentary to the approved design standards for the project and must include along its facade a minimum of 15 percent and a maximum of 75 percent glazing.
- (6) Liner buildings may be used by a separate tenant or may be integrated for use by the adjacent big box user.

**Sec. 33-459. Out parcels.** (All new- proposed by EPC)

(a) To the extent possible out parcels should be placed to frame major commercial roadways, thus creating grand boulevards and gateways within the Estero Planning Community.

(b) Projects that exceed 50,000 square feet of retail floor area must provide a berm or an out parcel pad along collector and arterial roadways, with the majority of the parking located behind the building or berm. The berm must be an average of four feet high and 30 feet wide for 75% of the public right-of-way that does not possess an out parcel pad. The berm must have a minimum of ten trees per 100 linear feet with a double hedge row. All plants must meet standard sizes as required in section 10-622(f)(1)(c). (see Figure 12)

(c) Out parcels may also be developed along internal access drive locations provided the majority of the parking is not placed along the major roads of the community.

**Sec. 33-460. Access.** (All new- proposed by EPC)

(a) To the extent possible, access to, from and within the big box project must be designed to create:

- (1) a safe and memorable environment for vehicular and pedestrian access to and from the site;
- (2) a minimal number of curb cuts on the major arteries by providing shared access to adjacent properties; and,
- (3) convenient, safe, and attractive access around the project for vehicular and pedestrian movement.

(b) Internal access drives/streets to the property must be developed at minimum intervals of 250 feet and maximum intervals of 1400 feet in length, creating internal blocks for parking and buildings to be placed in and on.

(c) Internal access must be developed to simulate streets with sidewalks and trees, with an average tree separation of 30 feet and a 15 foot planting strip with a combination of plants and grass along the street/parking/building edge. The planting must may not contain more than 30% grass for these areas.

(d) Internal lanes must be no less than ten feet in width for each lane.

(e) Street and sidewalk accesses must be provided up to adjacent properties for future connectivity where not prohibited. The Developer may provide an easement agreement in lieu of the physical interconnection when no development is planned on an adjacent parcel.

(f) Landscaped pedestrian sidewalks must be provided along the sides of large buildings with adjacent parking lots.

(g) All streets must terminate at other streets, future streets, or a parking lot. Cul de sacs or dead end streets are to be avoided if possible.

(h) Five degrees (in plan) deflection after 700 linear feet of roadway must be designed into the road or a landscaped median strip (minimum 10'x 18') must be designed into the road for traffic calming reasons.

(i) On street parking is encouraged on internal access roads where a main street type of development is desired. "Main street development" is defined as development where sidewalks and buildings or public spaces (excluding parking lots) are planned for the majority of both sides of the street.

(j) Internal street medians are encouraged. Median widths must be a minimum of six feet and maximum of 15 feet in width.

(k) Sidewalks (minimum five feet wide) must be constructed on at least one side of all internal roadway or vehicular access areas (exclusive of parking lanes). In the alternative, walkways may be developed through the landscaped median areas, to facilitate access from the sidewalks along the rights-of way, provided the medians are increased by five feet to accommodate the walkway.

(l) Sidewalks along buildings must be a minimum of eight feet in width excluding landscaping.

(m) Each building must be interconnected via a pedestrian pathway.

(n) Development must be coordinated with Lee Tran where transit access is to be provided to the area.

**Sec. 33-461. Parking.** (All new- proposed by EPC)

(a) To the extent possible the site must be developed to create attractive parking areas that provide convenient and safe multi-modal movement of vehicular, public transportation, bicycles and pedestrian traffic.

(b) Parking areas must be developed into parking pods that do not exceed 120 parking spaces, have a maximum of four entry/exit points, and be separated by a continuous double row hedge and large canopy trees at 30 feet on center.

(c) Parking lots must provide landscaped islands in accordance with chapter 10.

(d) Shared parking is encouraged.

(e) Parking must be distributed on three sides of the big box retail building and away from loading areas. Peak and employee parking areas located on the sides of the building.

(f) All parking lots must be interconnected.

(g) As an alternative to the parking pod, parking areas must have a type "D" buffer separating every four rows of parking, provided the big box building is screened by an out parcel buffer.

(h) The number of parking spaces developed as part of the big box project may not exceed the number of spaces required by section 34-2020, or other code parking requirement, by more than 20 percent unless the increase complies with this subsection.

(1) Up to a 20 percent increase in parking spaces may be granted administratively if:

a. parking pods are used for all parking on the project site; or

b. all landscaping trees are increased to a minimum of 14 feet, 65 gallon, six foot spread with a 4 inch caliper at the time of planting.

(2) A parking space increase over 20 percent may be granted administratively only if the number of required trees is increased by 25 percent.

**Sec. 33-462. Open space.** (All new- proposed by EPC)

(a) To the extent possible, big box retail development must be designed to manage open space for public benefit through combining a portion of the required open space into a usable component of the retail center.

(b) A minimum of ten percent of the required open space must be aggregated together into usable format called "open space squares". Retail is encouraged to develop around these squares when possible.

(c) Open space squares must be a minimum of 30 feet and a maximum of 65 feet wide.

(d) Open space squares must be integrated into the site plan as either a passive or active space.

(e) Open space squares may be interconnected to form a series of usable spaces for the project.

(f) Open space square will be counted towards open space requirements.

**Sec. 33-463. Service and loading areas.** (All New - proposed by ECP)

(a) To the extent possible, loading areas must be designed to diminish both the visual and noise pollution that these facilities can create on a community.

(b) Loading areas must either be located out of view from all public roads, or adequately screened.

(c) When a loading area is facing a public right-of-way or a residentially zoned area, a ten foot high architecturally screened wall must be provided on a four foot berm located within a 25 foot landscaped buffer. Berm and wall breaks are required every 200 feet in order to diminish the height and length of the wall and berm. Loading areas that are more than 450 feet from the property line may utilize only the berm requirements provided they are not adjacent to and facing a residentially zoned parcel.

**Sec. 33-464. Shopping cart storage.** (All New - proposed by ECP)

(a) To the extent possible shopping cart storage must be concealed from public view.

(b) Storage of carts must be behind a wall or landscaped area with a 80% opaqueness at planting.

(c) Temporary cart storage in the parking area must be within two landscape islands with a double row hedge and two trees.

**Sec. 33-465 - 33-470. Reserved.**

**Sec. 33-471. Vertical design elements.** (All New - proposed by ECP)

The purpose of the vertical design standards is to help manage the above ground design elements of a project. Vertical design elements are defined as those elements that protrude up and out of the ground and include, but are not limited to, such elements as signs, walls and buildings. The vertical design elements are set forth in section 33-471 through 33-477.

**Sec. 33-472. Building design.** (All New - proposed by ECP)

(a) To the extent possible, big box projects must be designed to create buildings that respect the area in which they are located and create a place that is attractive and flexible over time.

(b) Unified massing, details, and material: All buildings associated within the big box project must be developed with similar design treatment to create unity among the elements and buildings. This may include, but is not limited to, exterior materials, roof pitches and treatments, colors, proportions, ornamentation and trim in accord with the design guidelines for the development.

(c) If the primary entry does not face a public right-of-way, then additional design elements must be added to create the appearance of a public entry. (see Figure 13)

**Sec. 33-473. Building facade.** (All New - proposed by ECP)

(a) The treatment of the front facade must be continued, in its major features, around all sides of the building. Features must be carried for a minimum of 15 percent of the nonprimary facade and be attached to the primary facade.

(b) Individual or individual looking exterior facades must be faced with no more than four cladding materials. These cladding materials may be combined on the facade in a horizontal manner only (i.e. base of building: one material; middle area: another material; and, the top portion: a third type of material).

(c) Vinyl siding materials are prohibited.

(d) Metal sided buildings are not permitted except as an accent material that does not to exceed 25 percent of the building elevation.

(e) The ground floor of all building facades facing a public right-of-way must be detailed and glazed as storefronts.

(f) Storefronts must have glazed areas equal to at least 15% and not more than 75% of the ground level portion of the facade when facing a public right-of-way.

(g) *Building color.* Primary and secondary colors on the exterior of buildings are restricted to two inches for their shortest dimension. (see Figure 14)

(h) Outdoor sales areas must be designed with similar details, colors and materials used in the primary facades of the building to which the outdoor sales area is attached.

**Sec. 33-474. Windows, doors and other openings.** (All New - proposed by ECP)

(a) *Openings.* Windows, doors, arcades and other openings in the facade must be squared or vertical in proportion. Arched windows may be approved administratively as a window or door type provided they are square or vertical in their overall proportions. (see Figure 15)

(b) *Windows and doors.*

(1) "Non- motorized" sliding glass doors and or sliding windows are prohibited at ground level.

(2) Glass may only be clear or lightly tinted.

(3) *Shutters*. Shutters must be sized and shaped to match the opening to which they are attached.

(4) *Awnings*.

- a. Awnings may not have a bottom soffit panel or be backlit.
- b. Awnings must be sized to match the window or door openings to which they correspond, and may not extend more than two feet on either side of the opening.
- c. Awnings may not be used at the corner of buildings to transitions from one facade to the next.

**Sec. 33-475. Roofs.** (All New - proposed by ECP)

(a) *Pitched roof*. All roofs will be pitched between 4:12 and 8:12 (unless flat). Ancillary roof structures may be flat or pitched between 4:12 and 12:12.

(b) *Flat roof*. Flat roofs must have a full parapet at the perimeter of the roof. The parapet must not be less than 24 inches or exceed 15 feet in height. The height will be measured from the deck of the flat roof to the highest point of the parapet with the exception of nonhabitable architectural elements.

(c) Roof changes must occur at a minimum of one per 15,000 square feet with a minimum of three for any building.

**Sec. 33-476. Walls and fences.** (All New - proposed by ECP)

(a) Walls and fences must be designed to be complementary to the main facade elements of the building.

(b) Fences when, not associated within a landscaped double row hedge, must be solid. Fences of chain link, barbed wire or razor wire are prohibited.

(c) Wall runs may not exceed 100 feet in length without a change of three feet.

**Sec. 33-477. Service areas.** (All New - proposed by ECP)

Service function areas, including rooftop or ground equipment and dumpsters areas must be fully screened, and out of public view from ground level.

## **SECTION SIX: CONFLICTS OF LAW**

Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of any other lawfully adopted ordinance or statute, the most restrictive requirements will apply.

## **SECTION SEVEN: SEVERABILITY**

It is the Board of County Commissioner's intent that if any section, subsection, clause or provision of this ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such portion will become a separate provision and will not affect the remaining provisions of this ordinance. The Board of County Commissioners further declares its intent that this ordinance would have been adopted if such unconstitutional provision was not included.

## **SECTION EIGHT: CODIFICATION AND SCRIVENER'S ERRORS**

The Board of County Commissioners intend that this ordinance will be made part of the Lee County Code; and that sections of this ordinance can be renumbered or relettered and that the word "ordinance" can be changed to "section", "article" or some other appropriate word or phrase to accomplish codification, and regardless of whether this ordinance is ever codified, the ordinance can be renumbered or relettered and typographical errors that do not affect the intent can be corrected with the authorization of the County Administrator, County Manager or his designee, without the need for a public hearing.

## **SECTION NINE: EFFECTIVE DATE**

This ordinance will take effect upon its filing with the Office of the Secretary of the Florida Department of State. The provisions of this ordinance will apply to all projects or applications subject to the LDC unless the application for such project is complete and found sufficient before the effective date hereof.

THE FOREGOING ORDINANCE was offered by Commissioner \_\_\_\_\_ who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and, being put to a vote, the vote was as follows:

ROBERT P. JANES  
DOUGLAS ST. CERNY  
RAY JUDAH  
TAMMY HALL  
JOHN E. ALBION



DULY PASSED AND ADOPTED THIS day of \_\_\_\_\_, 2005.

ATTEST:  
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

By: \_\_\_\_\_  
Deputy Clerk

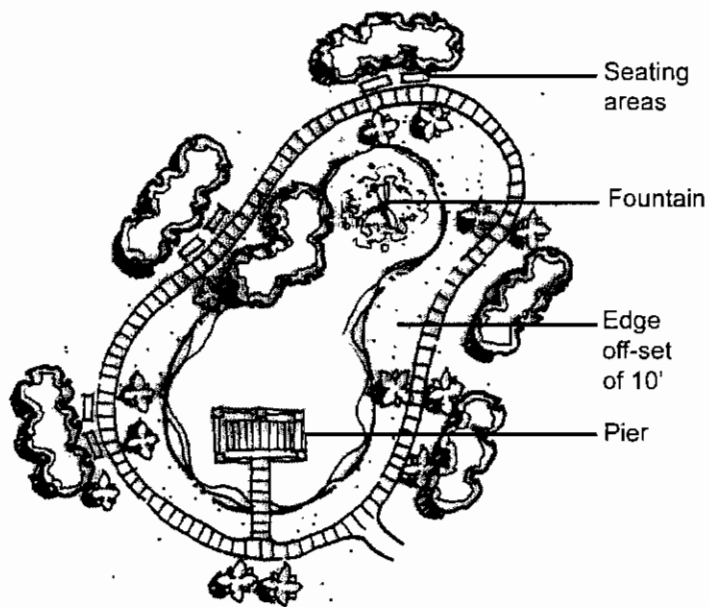
By: \_\_\_\_\_  
Chairman

APPROVED AS TO FORM:

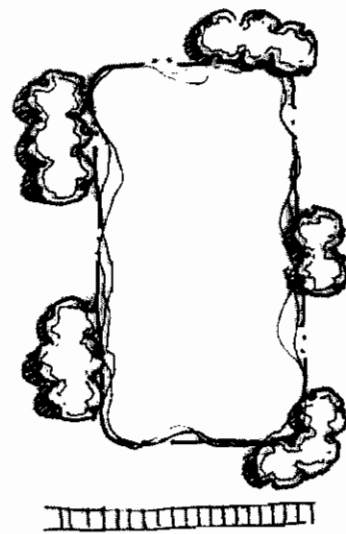
By: \_\_\_\_\_  
Dawn E. Perry-Lehnert  
Office of County Attorney

Ordinance Attachments:

Figures 1 through 15  
Appendix I Maps and Legal Description  
Map 1: Sandy Lane and Corkscrew Road Overlays  
Map 2: US 41 Overlay



THIS



NOT THIS

Figure 1. (s.33-111) Treatment of all bodies of water to appear natural and to incorporate landscaping features where possible.

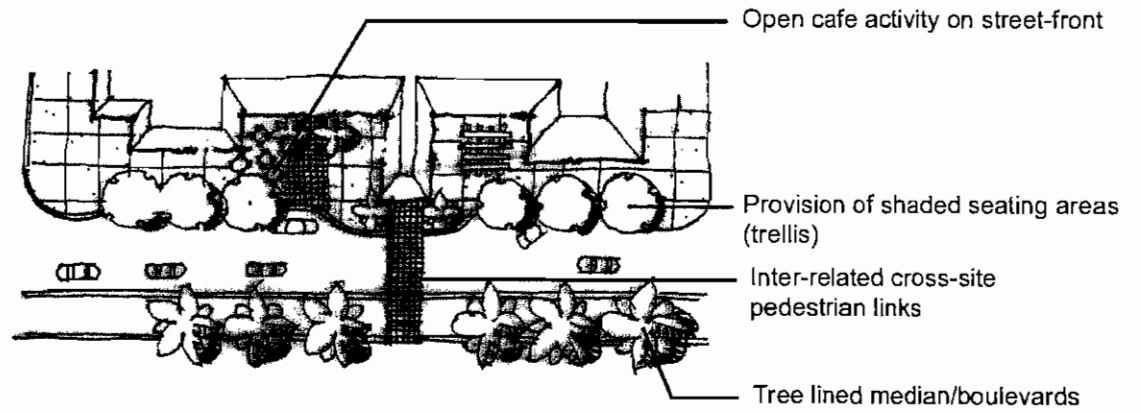


Figure 2. (s. 33-113)



Figure 3. (s. 33-227)

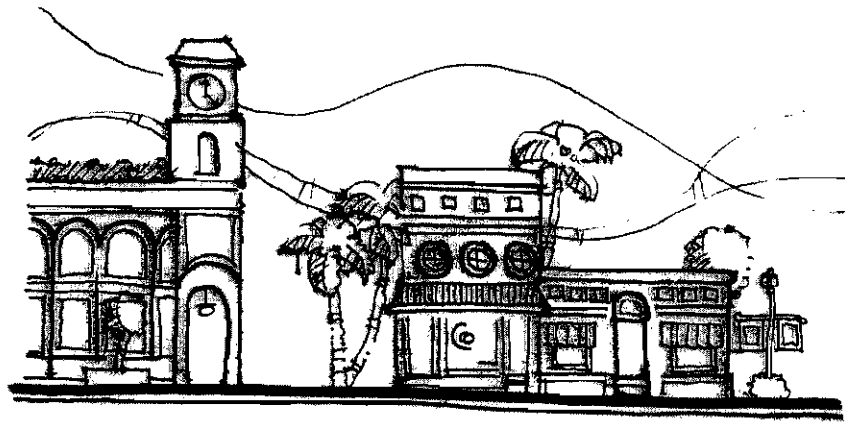


Figure 4. (s. 33-229)

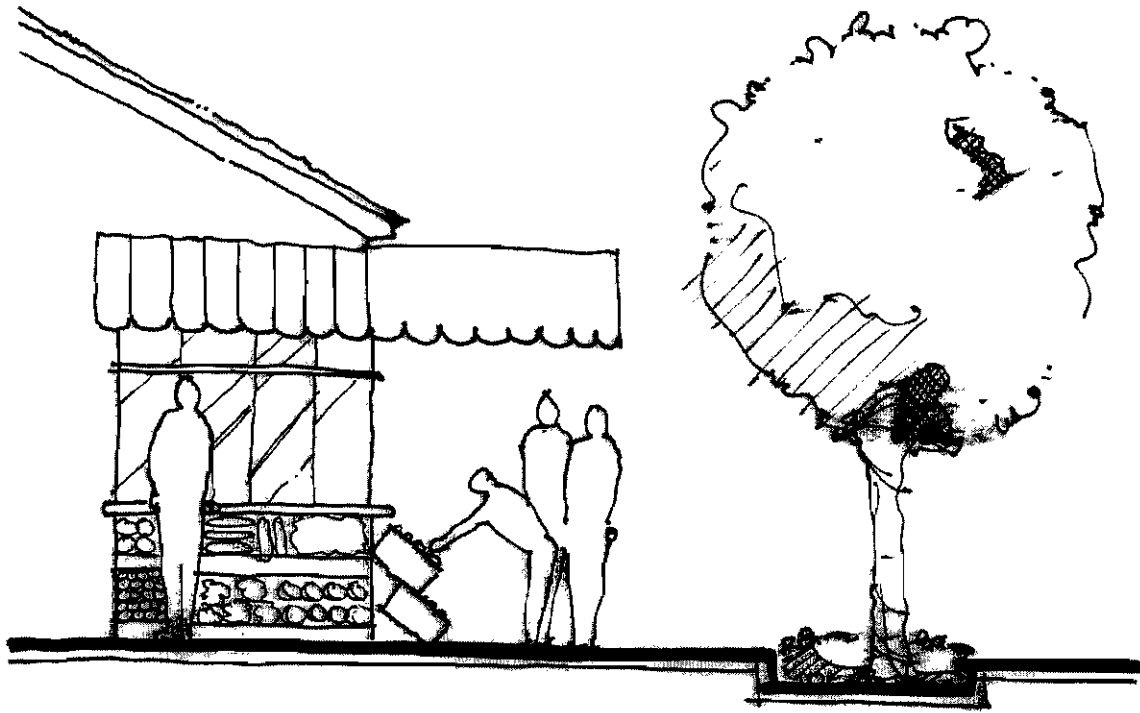


Figure 5. (s. 33-332)

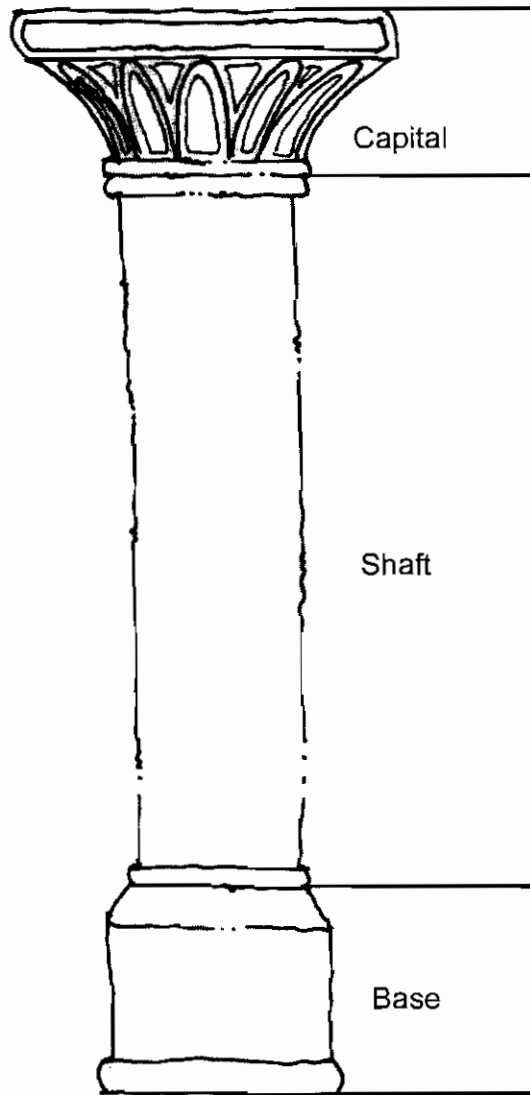


Figure 6.(s. 33-333) Column detailing through base, shaft and capital configuration



Figure 7. (s. 33-338) Application of the varied elements that present a composite Mediterranean streetscape and texture:

- (a) Varying roof heights;
- (b) Application of decorative building ornamentations;
- (c) Integration of landscaping features into building facades - hanging plants, shrubs, vines;
- (d) Street lighting with distinctive commercial characteristics; and
- (e) Awnings which complement building facade, placed at a height that appeals to the human scale.



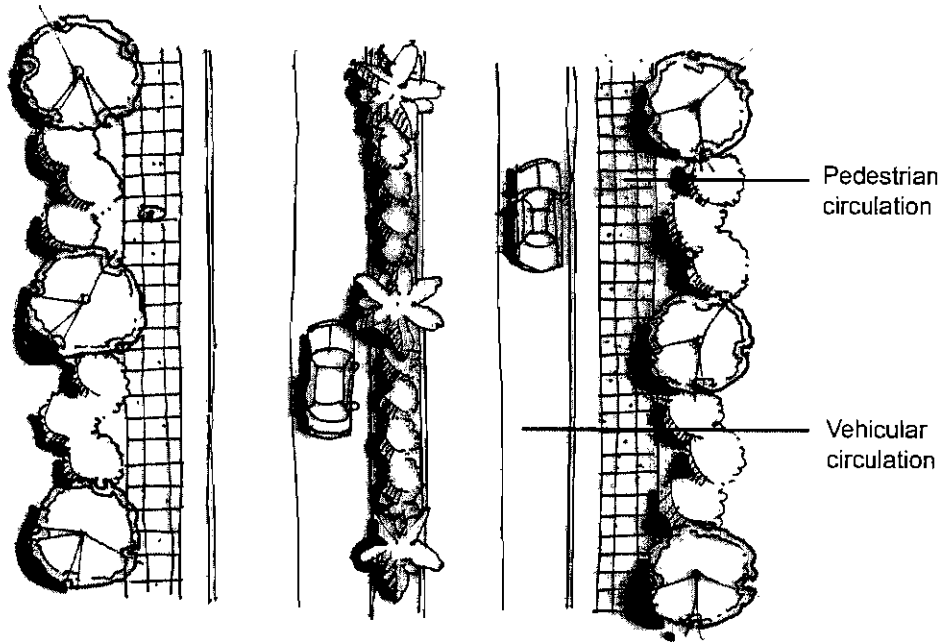


Figure 8. (s. 33-353)

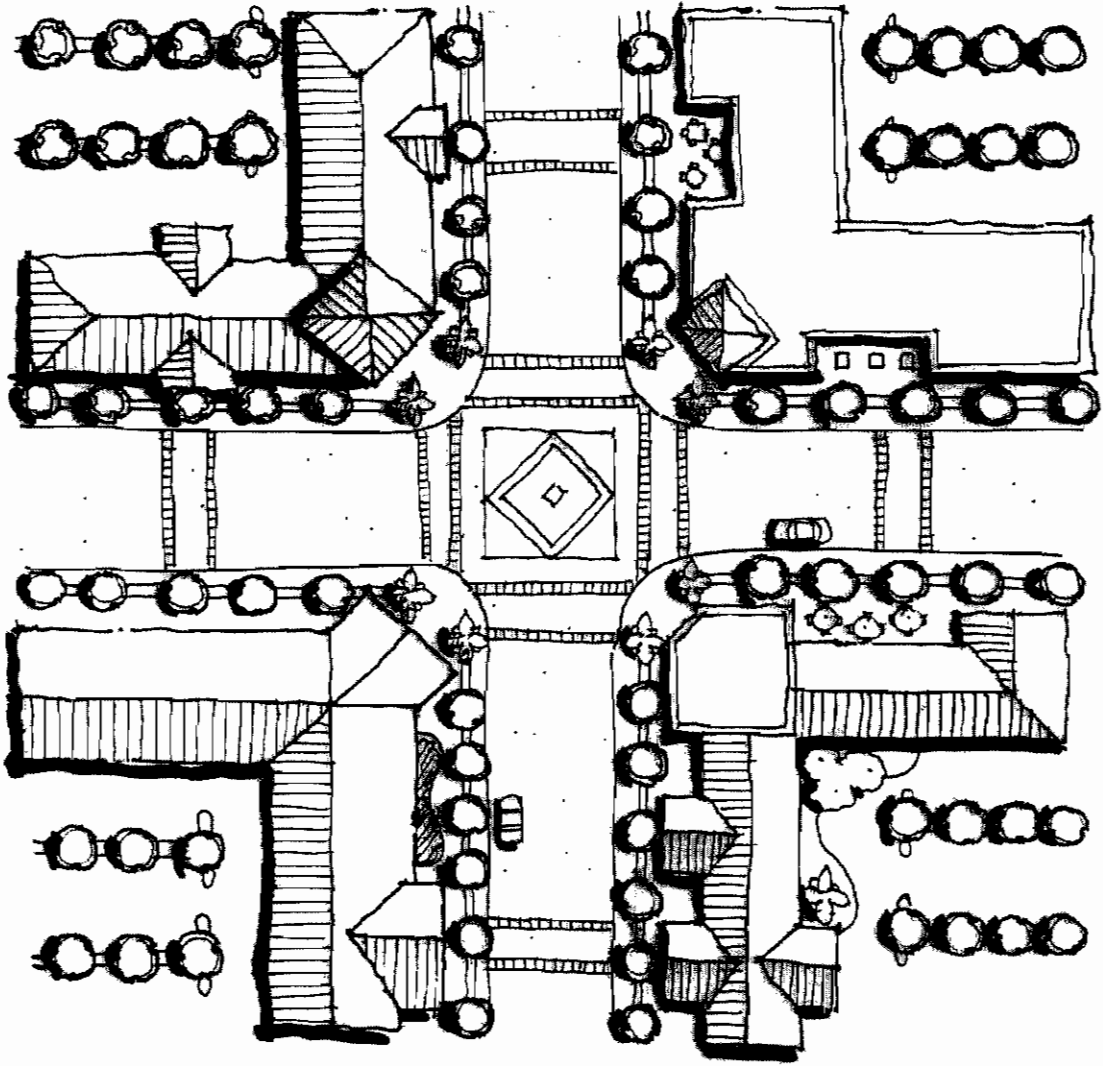
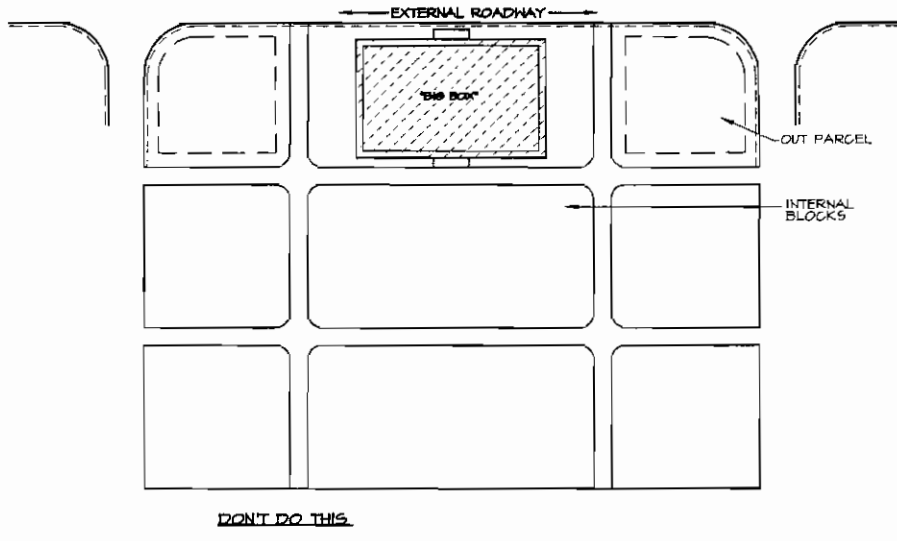
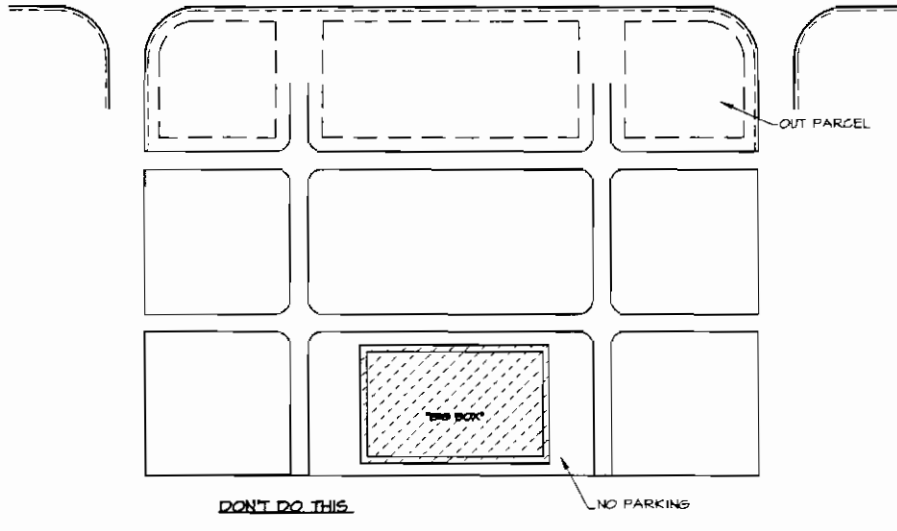
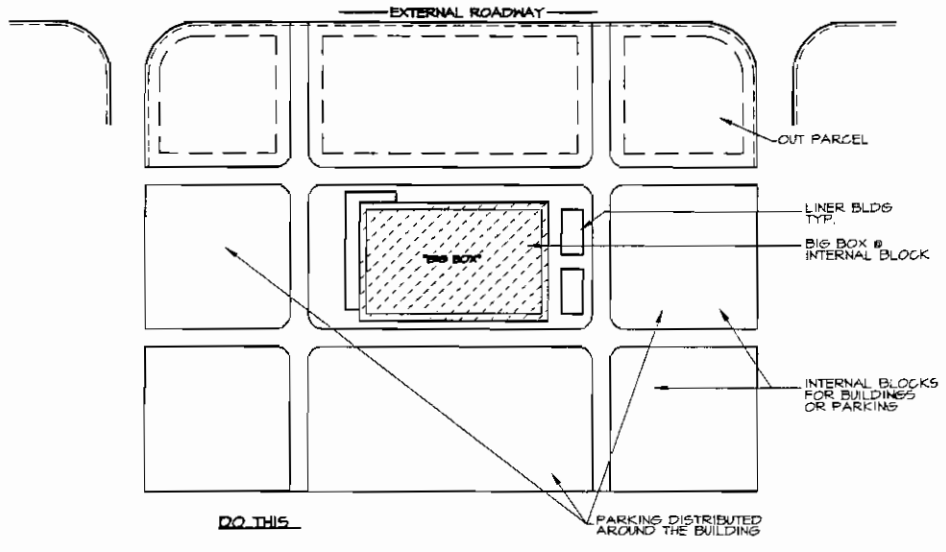
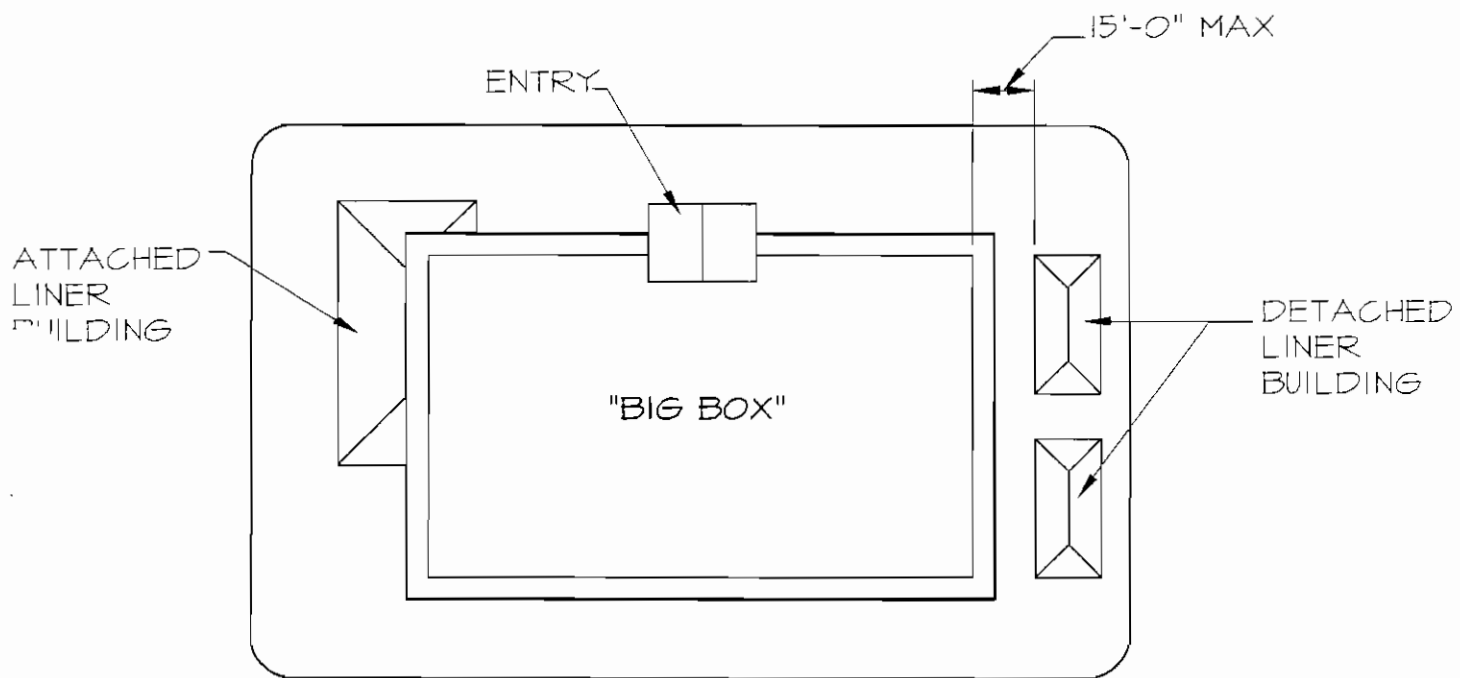


Figure 9. (s. 33-403)



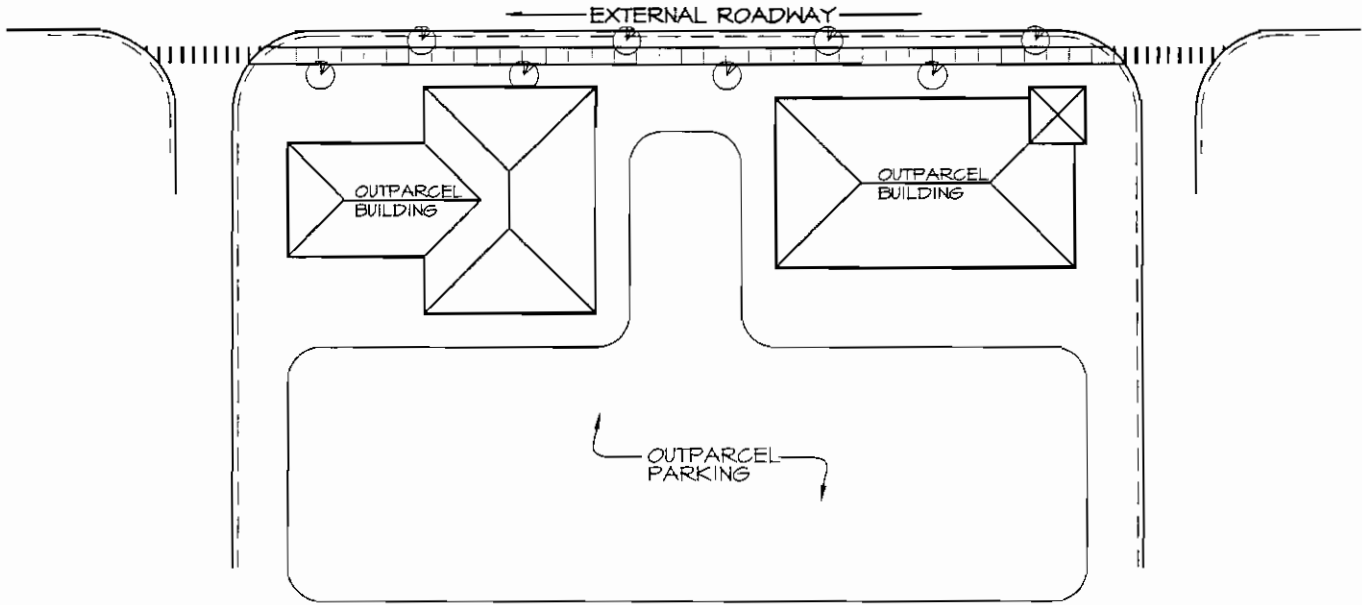
**BIG BOX PLACEMENT-DIAGRAM "B"**  
 N.T.S.

Figure 10 (s. 33-458(a)(2))

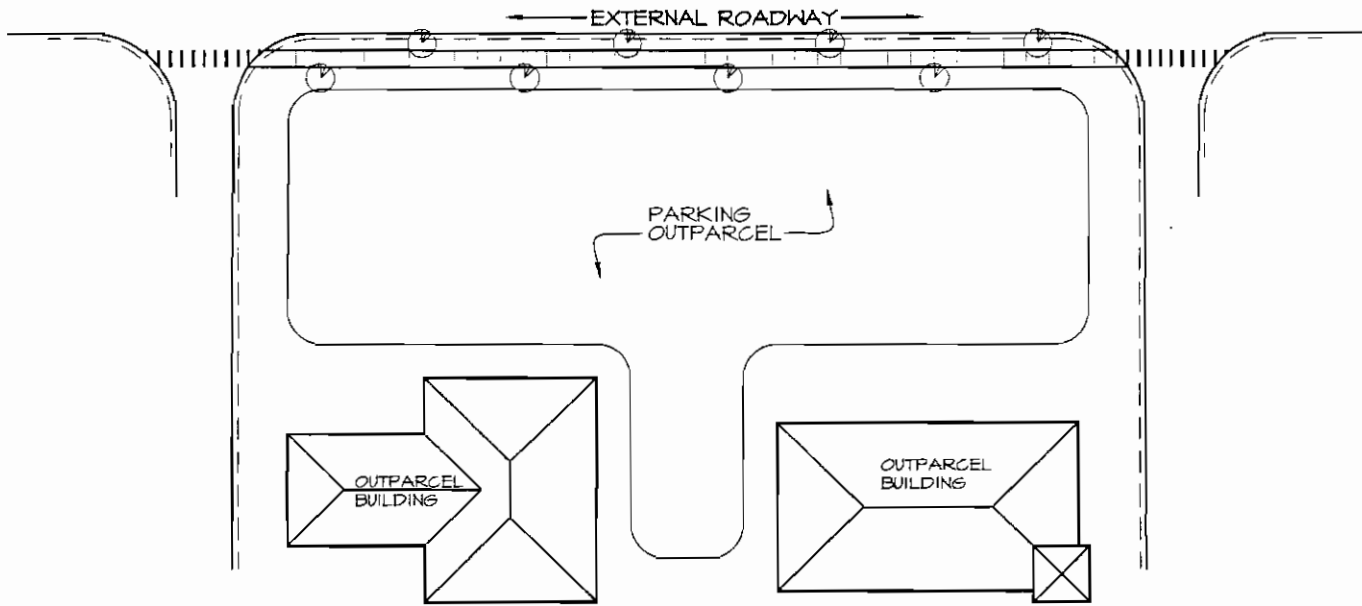


LINEAR BUILDING-DIAGRAM "F"  
N.T.S.

Figure 11 (s. 33-458(a)(3) & (b)(2))



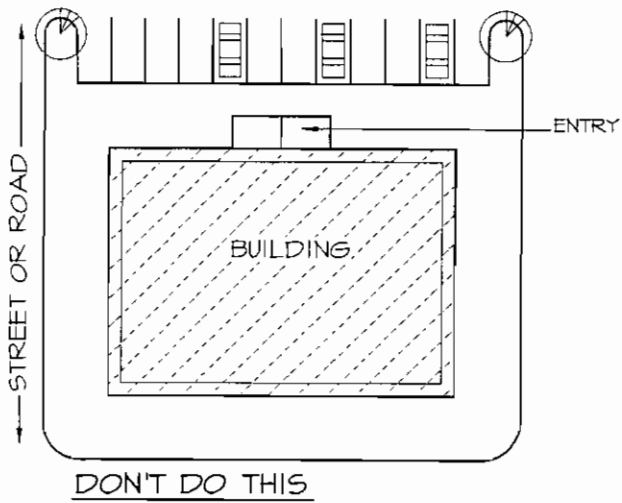
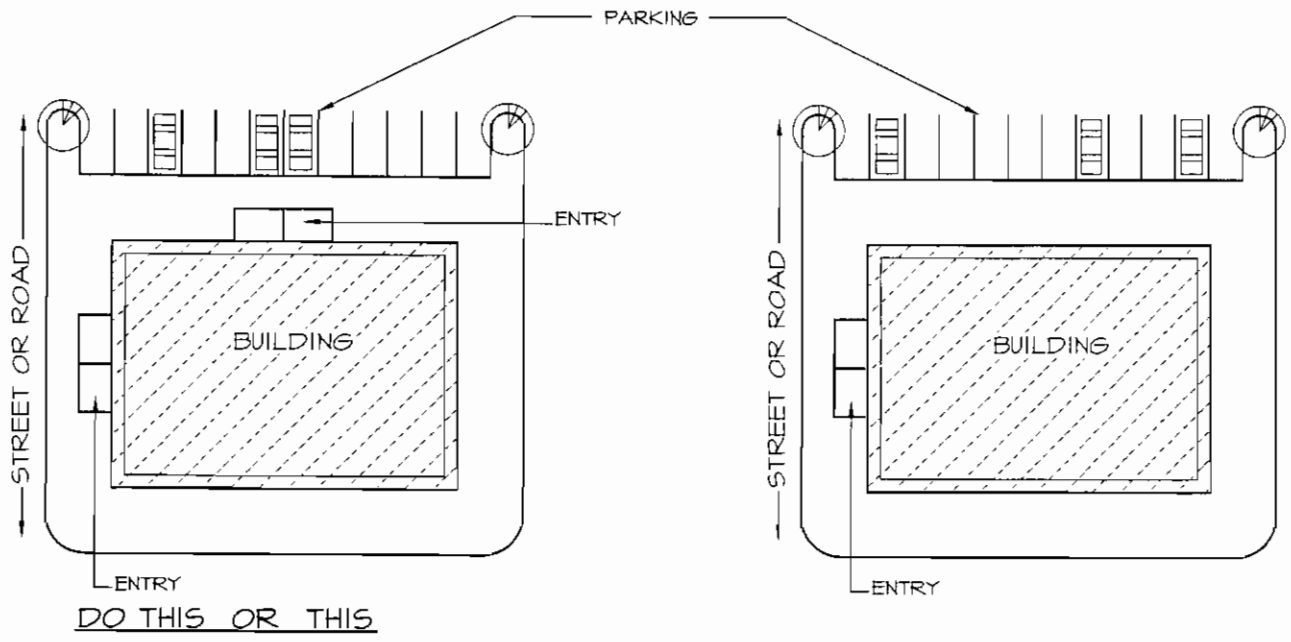
DO THIS



DON'T DO THIS

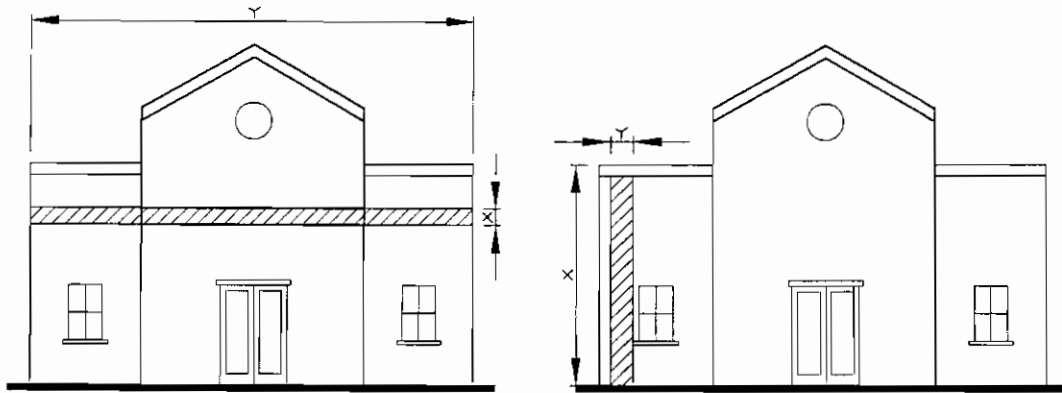
OUT PARCEL PLACEMENT-DIAGRAM "A"  
 N.T.S.

Figure 12 (s. 33-459)



ENTRY PLACEMENT-DIAGRAM "C"  
 N.T.S.

Figure 13 (s. 33-472)

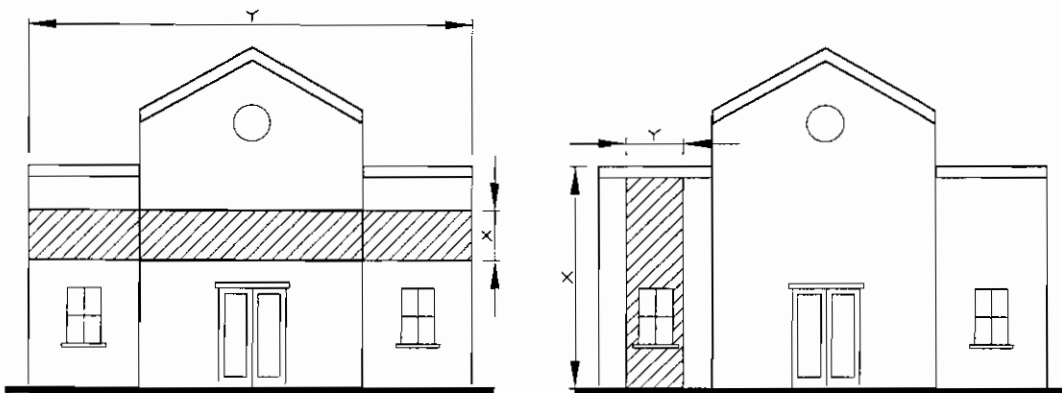


DO THIS

$(X < Y \ \& \ X < 2")$

OR

$Y < X \ \& \ Y < 2"$



DON'T DO THIS

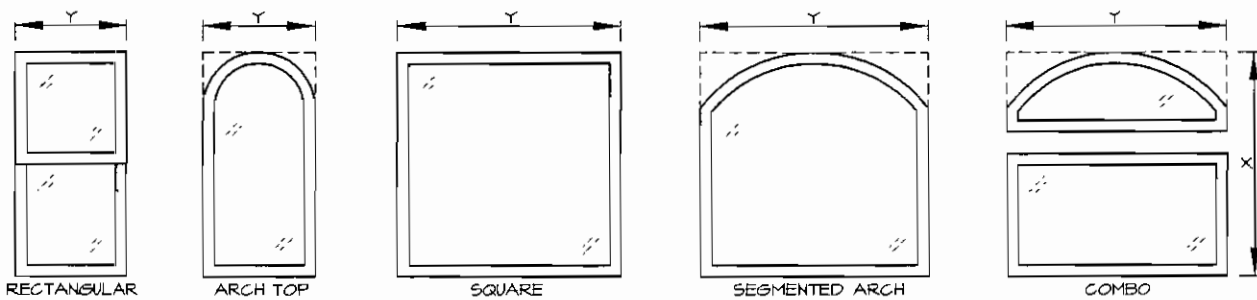
$(X < Y \ \& \ X > 2")$

OR

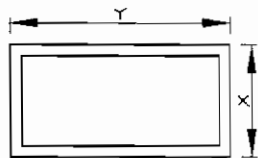
$Y < X \ \& \ Y > 2"$

PRIMARY & SECONDARY ACCENT COLORS-DIAGRAM "E"  
N.T.S.

Figure 14 (s. 33-473)



DO THIS (Y > X)

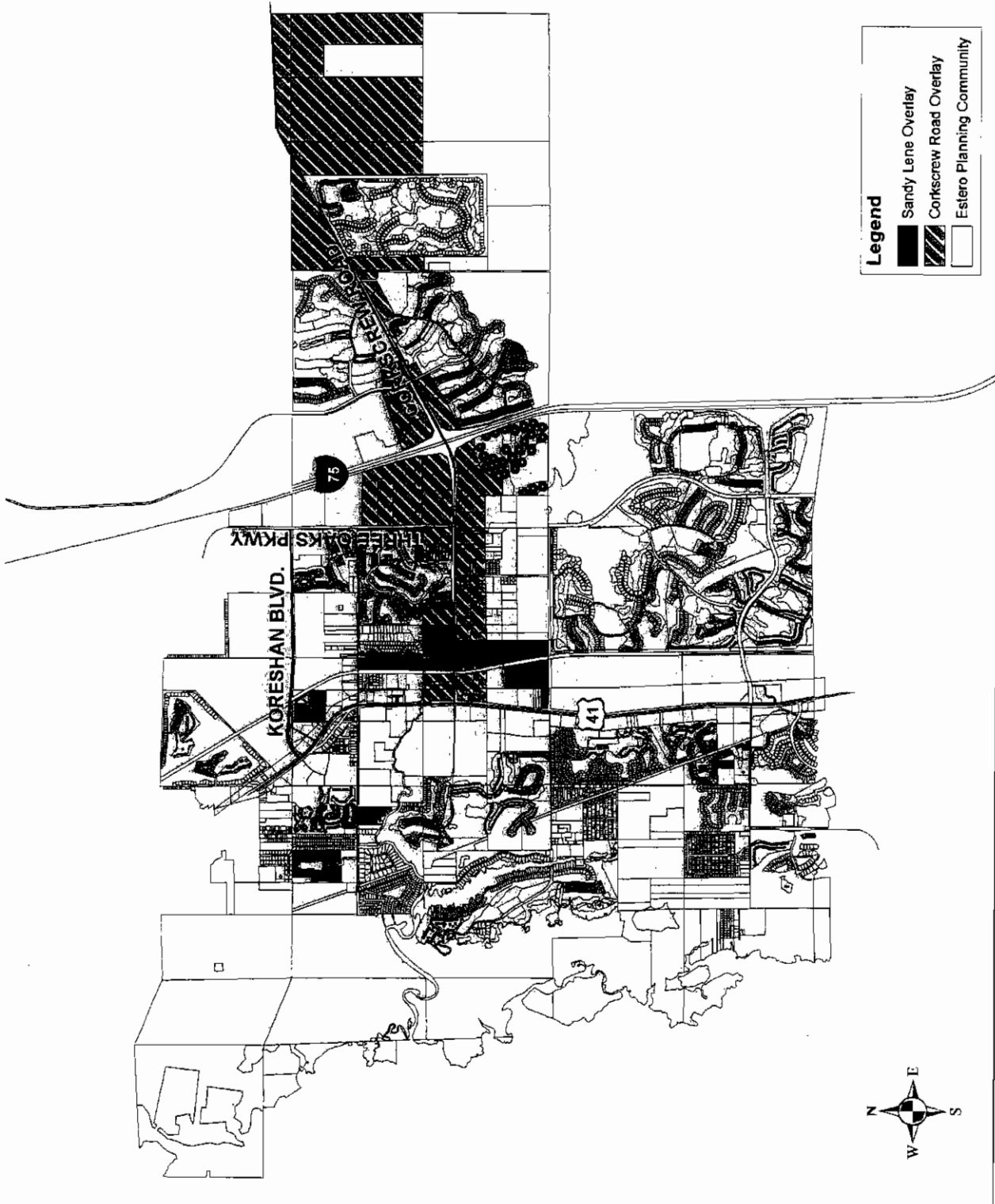


DON'T DO THIS (X < Y)

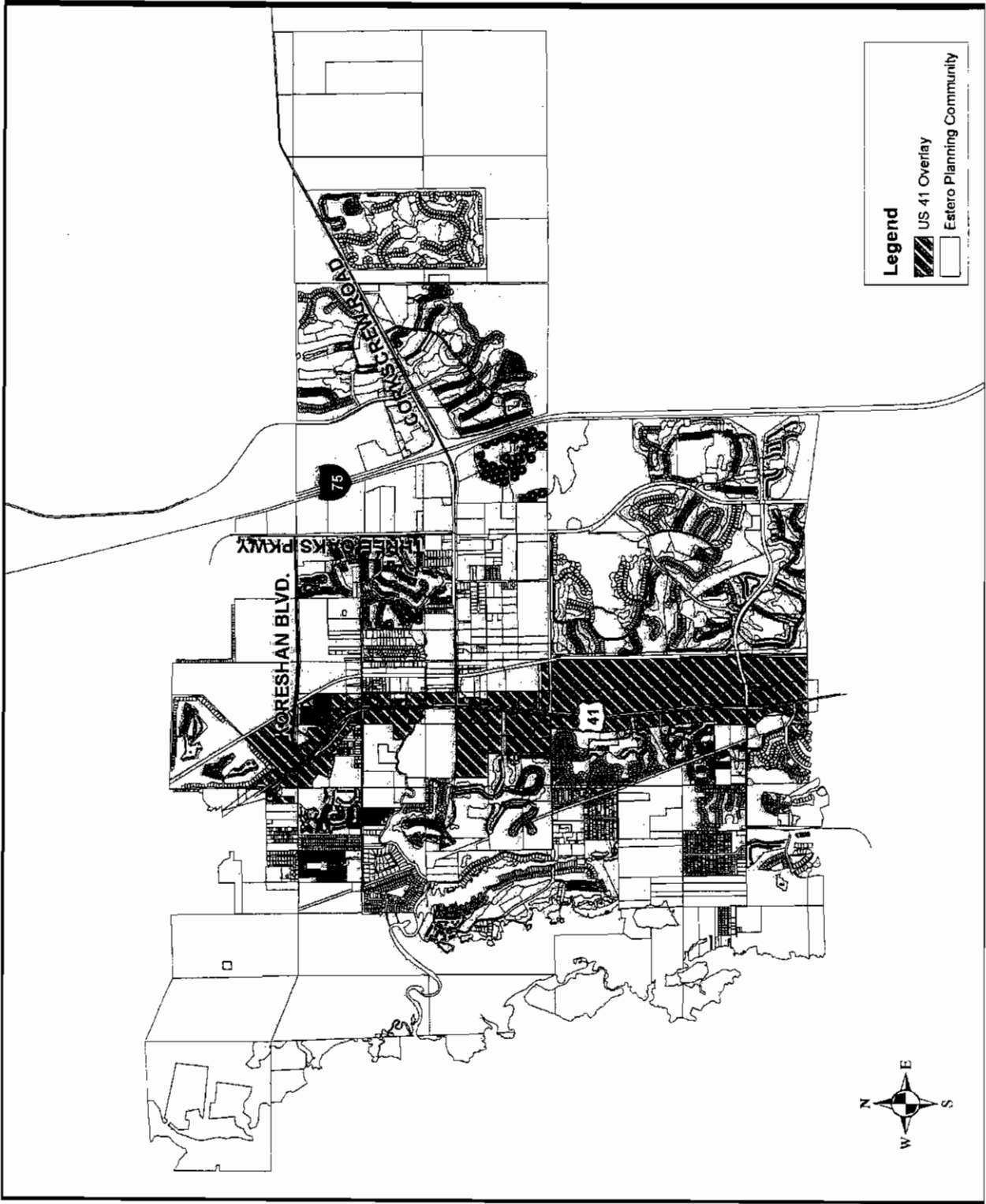
WINDOW PROPORTIONS-DIAGRAM "D"  
N.T.S.

Figure 15 (s. 33-474)





MAP 1



MAP 2

**LEE COUNTY, FLORIDA  
FINANCIAL & ADMINISTRATIVE IMPACT STATEMENT  
PROPOSED COUNTY ORDINANCE:**

**Planning Community Regulations**

**I. FISCAL IMPACT ON COUNTY AGENCIES/COUNTY FUNDS.**

A. What is estimated Demand? (Develop Indicators) **N/A**

B. What is estimated Workload? (Develop Indicators) **N/A**

C. What are estimated costs?

	1st Year \$'s		2nd Year \$'s	
	<u>Existing</u>	<u>New</u>	<u>Existing</u>	<u>New</u>
Personnel	<b>N/A</b>		<b>N/A</b>	
Fringe	<b>N/A</b>		<b>N/A</b>	
Operating	<b>N/A</b>		<b>N/A</b>	
Capital Outlay	<b>N/A</b>		<b>N/A</b>	
Total	<b>N/A</b>		<b>N/A</b>	

D. List the anticipated revenues to cover costs identified in II., C., above. If a fee is to be charged, answer the following:

1. What is the basis (rationale) for the fee? **N/A**
2. Do the anticipated fees cover the full cost of operation? If not, what percentage of the costs are covered? **N/A**

E. Give a brief narrative analysis of the information contained in II., A. through D., above.

No financial or administrative impact. The purpose of this ordinance is to create a new Land Development Code (LDC) Chapter to consolidate and house any regulations currently existing or will be established by planning communities. Various LDC chapters are therefore being amended to delete any references relating to the Estero Planning Community. (Estero is the only existing planning community with regulations at this time.) This ordinance also amends some regulations for the Estero Planning Community.

**LEE COUNTY, FLORIDA  
FINANCIAL & ADMINISTRATIVE IMPACT STATEMENT  
PROPOSED COUNTY ORDINANCE**

**NAME OF ORDINANCE: Chapter 33, Estero Planning Community**

I. DESCRIPTION OF ORDINANCE

A. Statement of Purpose

To provide a location in the Land Development Code (LDC) for community specific regulations.

B. Narrative Summary of Ordinance (Several Sentence Summary)

The ordinance creates a new LDC Chapter intended to provide a location to consolidate and set forth all community planning regulations. These regulations are in addition to those set forth in the balance of the LDC and are community specific.

C. Principal Division(s) or Department(s) Affected (List)

Zoning  
Development Services  
Code Enforcement