

ORDINANCE NO. __-__

AN ORDINANCE AMENDING LEE COUNTY LAND DEVELOPMENT CODE, CHAPTERS 10, 14, AND 34 TO PROVIDE REFERENCES TO NEW PLANNING COMMUNITIES AND CLARIFYING IN CHAPTER 34 THAT CERTAIN MINOR AUTOMOBILE REPAIRS MAY OCCUR OUTSIDE OF AN ENCLOSED BUILDING; SPECIFICALLY AMENDING CHAPTER 14 TO REMOVE REFERENCE TO DISCHARGE OF FIREARMS; AMENDING CHAPTER 32-COMPACT COMMUNITIES TO ADD PROVISIONS APPLICABLE TO NEIGHBORHOOD CENTERS AND CERTAIN PORTIONS OF COMMERCIAL CORRIDORS LOCATED IN THE NORTH FORT MYERS PLANNING COMMUNITY; AND AMENDING CHAPTER 33 TO CREATE ARTICLES V, VII, AND VIII FOR NEW DEVELOPMENT REGULATIONS SPECIFIC TO THE LEHIGH ACRES, CALOOSAHAATCHEE SHORES, AND NORTH FORT MYERS COMMUNITIES.

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 of Lee County, Florida, has adopted a comprehensive Land Development Code (LDC); and,

WHEREAS, the LDC contains regulations applicable to the development of land in Lee County; and,

WHEREAS, the Board of County Commissioners created the North Fort Myers Community Overlay, codified under Goal 28 of the Lee Plan; and,

WHEREAS, the Board of County Commissioners created the Lehigh Acres Community Overlay, codified under Goal 32 of the Lee Plan; and,

WHEREAS, the Community plan amendments to the Lee Plan include policies that should be implemented through amendments to the Lee County Land Development Code; and,

WHEREAS, Goal 24 of the 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, the Board of County Commissioners, through the creation of LDC Chapter 33, has begun to centralize LDC provisions that are applicable only to certain planning communities within the County; and,

WHEREAS, the creation of new Articles V, VII, and VIII in LDC Chapter 33 will provide specific, centralized regulations for the Lehigh Acres, Caloosahatchee Shores, and North Fort Myers Communities; and,

WHEREAS, regulations applicable to each Community will be more readily understood and uniformly applied if codified in these new Articles in LDC Chapter 33; and,

WHEREAS, Lee Plan Policies 14.5.3, 24.1.9, 52.1.1 and 110.6.2 require county staff and private citizen committees to review existing development regulations to determine whether the regulations can be further fine tuned and streamlined in order to meet the Goals, Objectives, and Policies of the Lee Plan; and,

WHEREAS, the LDCAC has reviewed the proposed amendments to the LDC on June 10, 2011 and July 8, 2011, and recommended their adoption; and,

WHEREAS, the Executive Regulatory Oversight Committee reviewed the proposed amendments to the Code on July 13, 2011, and recommended their adoption; and,

WHEREAS, the Local Planning Agency reviewed the proposed amendments on August 22, 2011, and found them consistent with the Lee Plan.

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 is amended as follows with strike through identifying deleted text and underline identifying new text.

CHAPTER 10 DEVELOPMENT STANDARDS ARTICLE 1-IN GENERAL

Sec. 10-7. General requirements.

(a) thru (c) remain unchanged.

(d) *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.
- (2) Greater Pine Island.
- (3) Page Park.
- (4) Caloosahatchee Shores.

- (5) Lehigh Acres.
- (6) North Fort Myers.

Balance of provisions remains unchanged.

SECTION TWO: AMENDMENT TO LDC CHAPTER 14

Lee County Land Development Code Chapter 14 is amended as follows with strike through identifying deleted text and underline identifying new text.

Chapter 14 Environment and Natural Resources

ARTICLE I. IN GENERAL

Sec. 14-1. Planning community regulations.

Activities in the following communities must also comply with the regulations set forth in chapter 33 pertaining to the specific community

- (a) Estero Planning Community.
- (b) Greater Pine Island.
- (c) Page Park.
- (d) Caloosahatchee Shores.
- (e) Lehigh Acres.
- (f) North Fort Myers.

Balance of provisions remains unchanged.

Sec. 14-172.-Destruction or diminishment of dune or beach system.

- a. No person may conduct or allow any of the following activities on the beach, upon a dune, or in the water adjacent to the beach, unless otherwise specifically permitted in accordance with section 14-172(b).

Sections (1) through (9) remain unchanged.

~~(10) Discharge any firearms;~~

~~(11)~~(10) Light or maintain any open fire on the beach;

~~(12)~~(11) Temporarily reside, camp, or sleep overnight;

~~(13)~~(12) Deposit/install rocks, concrete, or other shoreline stabilization materials without a permit from DEP and the county;

~~(14)~~(13) Deposit/add sand to the beach and dune system without a permit from DEP. All fill material will be sand that is similar to the existing beach sand in both coloration and grain size and be free of debris, rocks, clay, or other foreign matter; or

~~(15)~~(14) Conduct any commercial activities not explicitly authorized by this Code or by other county ordinances.

Balance of provisions remains unchanged.

SECTION THREE: AMENDMENT TO LDC CHAPTER 30

Lee County Land Development Code Chapter 30 is amended as follows with strike through identifying deleted text and underline identifying new text.

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 Chapter 33 pertaining to the specific planning community.

- (a) Estero Planning Community.
- (b) Greater Pine Island.
- (c) Page Park.
- (d) Caloosahatchee Shores.
- (e) Lehigh Acres.
- (f) North Fort Myers.

Balance of provisions remains unchanged.

SECTION FOUR: AMENDMENT TO LDC CHAPTER 32

Lee County Land Development Code Chapter 32 is amended as follows with strike through identifying deleted text and underline identifying new text.

ARTICLE VII. COMPACT COMMUNITY REGULATIONS FOR PLANNING COMMUNITIES

DIVISION 1. NORTH FORT MYERS

Sec. 32-801. North Fort Myers Community Neighborhood Centers and Certain Portions of Commercial Corridors.

- (a) Applicability. The provisions Sections 32-801 through 32-825 apply to the following Neighborhood Centers (see Maps 7 – 13 in Appendix I):
 - (1) North Tamiami Trail & Nalle Grade Road (Map 7, Appendix I)
 - (2) North Tamiami Trail & Del Prado Boulevard (Map 8, Appendix I)
 - (3) Littleton Road & North Cleveland Avenue (Map 9, Appendix I)
 - (4) Hancock Bridge Parkway & Orange Grove Boulevard (Map 10, Appendix I)

(5) North Tamiami Trail & Pine Island/Bayshore Road (Map 11, Appendix I)

(6) Bayshore Road & Hart Road (Map 12, Appendix I)

(7) Bayshore Road & Slater Road (Map 13, Appendix I)

(8) Commercial Corridors within the North Fort Myers Community that are designated Mixed Use Overlay on the Special Treatment Areas Map, Lee Plan Map 1, Page 6 of 6.

Sec. 32-802. Property Development Regulations.

(a) *Dimensions for each lot type.* Table 32-802 provides property development regulations that apply to each designated lot type. These requirements supersede contradictory requirements in this code including the property development regulations for individual zoning districts in chapter 34.

Lot Type	Lot Area (sf) [min/max]	Lot Width (ft) [min/max]	Frontage [min/max]	Lot Coverage by all bldgs [max]	Setbacks (feet)				Height ⁴ (min/max stories) [max feet]	Accessory Apartments ⁵ (max bldg footprint in sf)
					Street [min/max]	Side Yard [min]	Rear Yard ^{1,2} [min]	Water Body ³ [min]		
Pedestal Building Lot	no min / no max	no min / 500	90% / 100% / 100%	100%	0 / 10 / 10	0	0	25	2 / 5 ⁶ ; 85 / 85	not permitted
Lined Building Lot	no min / no max	no min / 500	90% / 100%	100%	0 / 10 / 10	0	0	25	2 / 4; 65 / 65	not permitted
Mixed-Use Building Lot	no min / no max	no min / 300	90% / 100%	100%	0 / 10 / 10	0	3	25	2 / 4; 65 / 65	not permitted
Apartment Building Lot	10,000 / no max	100 / 200 / 200	80% / 100% /	100%	0 / 10	0	10	25	2 / 4; 55 / 55	not permitted
Courtyard Building Lot ⁷ B	20,000 / no max	150 / 300 / 300	50% / 90% / 90%	70%	0 / 10	5	10	25	2 / 3 ½; 55 / 55	not permitted
Live-Work Building Lot	1,800 / 7,200 / 7,200	16 / 60 / 60	60% / 100% / 100%	80%	0 / 6 / 6	0	20	25	2 / 3; 45 / 45	625
Rowhouse Lot	1,800 / 3,840 / 3,840	16 / 32 / 32	90% / 100% / 100%	80%	0 / 6 / 6	0	20	25	2 / 3; 45 / 45	625
Civic Building Lot	no min / no max	no min / no max	no min / no max	no min / no max	no min / no max	0	0	15	1 / 4; 55 / 55	1,250
Civic Space Lot Space Lot	no min / no max	no min / no max	n/a	n/a	n/a	n/a	n/a	n/a	n/a	not permitted

(1) Minimum rear yards apply to lots with alleys or lanes and to lots with neither alleys nor lanes; rear yards do not apply to through lots or to double-frontage lots.

(2) Minimum rear yards in this column apply to principal buildings and structures. When alleys or lanes are provided, garages and accessory dwelling units must be built with one wall placed 3' from the property line which is adjacent to the alley or lane.

(3) 50' for natural waterway buffers per LDC 10-416(d)(9)

(4) Buildings must comply with both maximum heights, as measured in stories and feet. For heights measured in feet, see section 34-2171 et seq. for details and exceptions. Mezzanines that exceed the percentage of floor area for a mezzanine defined in the Florida Building Code are counted as a story for the purpose of measuring height. Space within a roofline that is entirely non-habitable is not counted as a story.

(5) See requirements for accessory apartments in sections 4-243 and 34-1777.

(6) On pedestal buildings, one or more step-back of at least 14 feet must occur above the second floor level. Said step-backs shall consist of 70% of a pedestal building's primary facade being built at least 14 feet further from all streets than the story below. In addition to these heights, buildings on Pedestal Building Lots and Lined Building Lots are allowed up to four additional stories provided the square footage of each additional story is less than 70% of the largest lower story.

(7) On Courtyard Building Lots, the longer dimension of the central garden or courtyard must be at least 30' long if oriented east-west or 40' if oriented north-south. If the longer dimension is less than 35; architectural projections such as porches and balconies may only extend into the courtyard from one side. Elevator access is allowed only up to the courtyard level. Maximum lot coverage is measured immediately above the courtyard level.

Sec. 32-803. Permitted uses.

(a) *Permitted uses.* Table 32-803 identifies permitted uses for each lot type in the same manner as does Table 32-802.

(b) *Accessory uses.* Accessory uses and structures not listed in table 32-803 are regulated in the same manner as chapter 34 provides for each permitted use.

**TABLE 32-803
 COMPACT COMMUNITIES, CENTER TRANSECT
 APPLICABLE TO NEIGHBORHOOD CENTERS IN THE NORTH FORT MYERS COMMUNITY
 USE REGULATIONS FOR EACH LOT TYPE**

Lot Type	Accessory apartment (see 34-1177)	Town house (TH) and multi-family dwellings	Attached dwelling unit	Live-work unit	All uses allowed in CN-3 zoning	Uses allowed in CC zoning ⁽³⁾⁽⁴⁾	Hotel/motel	All uses allowed in CF-2 & CF-3 zoning	Urban agriculture	Excavation for water retention only
Pedestal Building Lot ⁽¹⁾		P	P	P		S	P	P		
Lined Building Lot ⁽¹⁾		P	P	P		S	P	P		
Mixed-Use Building Lot ⁽¹⁾		P	P	P		S	P	P		
Apartment Building Lot		P	P							
Courtyard Building Lot		P	P							
Live-Work Building Lot	P	P	P	P	P	S		P		
Rowhouse Lot	P	TH only	P							
Civic Building Lot	P							P		
Civic Space Lot								P ⁽²⁾	P	
Stormwater Lot										P

NOTES: P = Permitted Use (see 34-621).
 BLANK = Use not permitted.
 S = Same permitted and limited uses as allowable for any parcel in the zoning district listed at the top of the column (see section 32-244).
⁽¹⁾ = Residential uses may not be placed in the ground (first) story. If live-work units are located in the ground (first) story, the work space must be located facing the street or public space.
⁽²⁾ = Civic Space Lots are not building sites; see division 4 for allowable uses on Civic Space Lots.
⁽³⁾ = With the following limitations: Excludes bail bonding; excavation for oil or gas; escort services; palm readers; fortune tellers or card readers; steam or Turkish baths; massage parlors other than those licensed for therapeutic massage; roadside stands; and establishments selling used brick, lumber and building supplies. Consumption on premises (alcoholic beverages) is limited to restaurants or bars, cocktail lounges, or nightclubs associated with and located on the same premises as the hotel or restaurant to which it is accessory unless approved as a special exception.
⁽⁴⁾ = Free-standing bars, cocktail lounges, or nightclubs (i.e. not associated with and located on the same premises as a hotel or restaurant to which it is accessory) and pawn shops, and casino type games/gambling are permitted by special exception subject to the following additional condition: Said use(s) must not be located closer than 500 feet, measured in a straight line from any public school or charter school; child care center; park, playground, or public recreation facility; place of worship or religious facility; cultural center, or hospital.

Sec. 32-804. Publicly accessible open space.

- (a) In addition to meeting the requirements of Sec. 10-415, each development must provide publicly accessible open space equal to not less than 10% of the land area of the development.
- (b) On parcels of more than 20,000 square feet, urban open space must not comprise greater than 50% of the land area required for publicly accessible open space.
- (c) On parcels of 20,000 square feet or less, urban open space may comprise as much as 100% of the required publicly accessible open space.
- (d) For the purposes of this section, urban open space includes:
 - (1) Spaces that are within buildings, especially large spaces, such as atriums and courtyards. These may be counted toward the public accessible open space requirement if the spaces are connected directly to the outside publicly accessible open spaces or public open spaces, and clearly visible from the exterior open spaces.
 - (2) Publicly accessible outdoor common space such as open space squares that 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 project/development.
- (e) Publicly accessible open space required of multiple individual developments may be consolidated into one centralized open space subject to the following requirements:
 - (1) The publicly accessible open space will be developed by one entity. One entity will be defined as either a single owner or a group of owners which form a legal partnership for the purpose of consolidating their open space requirements.
 - (2) Consolidated publicly accessible open space will be developed and open for use prior to issuance of the first certificate of occupancy of the building or buildings for which the open space is required.
 - (3) Provisions for the maintenance of the open space will be determined and documented in a written agreement with the County prior to the issuance of the first certificate of occupancy.

Sec. 32-805. Urban Design Guidelines.

- (a) Complement surrounding development. In addition to the requirements of Sec. 10-620, all proposed residential, commercial, public and vertical and horizontal mixed-use buildings or development must blend with and complement architectural features of adjacent structures constructed under these standards.
- (b) Architectural design. The design of all residential, commercial, public and mixed-use buildings within a North Fort Myers Neighborhood Center must comply with the following standards and be compatible with Florida Traditional Styles:
- (1) The exterior finish on all facades will be limited to brick, stonework, architectural concrete block, wood, Hardiplank, tile, terracotta, and stucco.
 - (2) Buildings will have sloped roofs or “flat roofs” closed by parapets.
 - (3) Balconies, galleries and arcades will be made of concrete, painted wood, or metal; or will match abutting wall material.
- (c) Architectural Style. The preferred architectural styles for commercial and residential development in the Neighborhood Centers include a mixture of Old Florida, Key West, Colonial, Caribbean and other styles of architecture that are deemed compatible with or complementary to these styles (see Figures 1-4).
- (1) Distinct vernacular styles should be displayed through the inclusion of roof overhangs and brackets, porches, decorative columns, galleries, arcades, and pitch roofs (where applicable).
 - (2) Nothing herein shall serve to inhibit the use of solar panels, be they photovoltaic or domestic hot water.
 - (3) Metal buildings and flat roofs without parapets are prohibited in residential and commercial development.

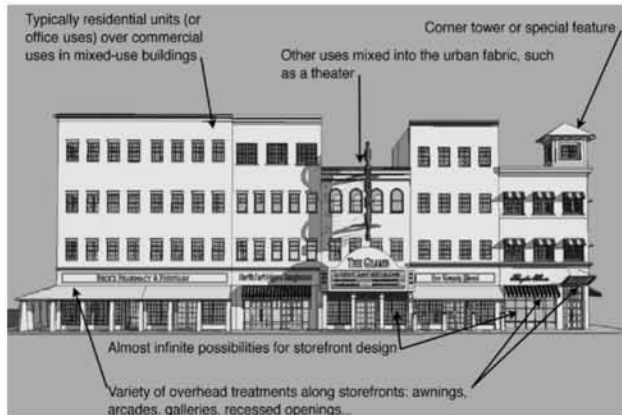


Figure 1 (s. 32-805(c))

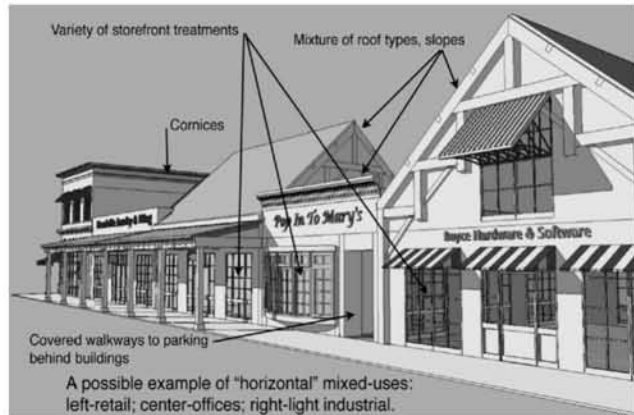


Figure 2 (s. 32-805(c))

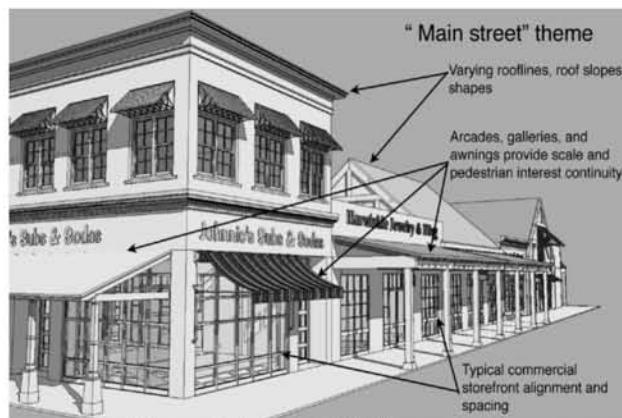


Figure 3 (s. 32-805(c))



Figure 4 (s. 32-805(c))

(d) Exterior Treatment.

(1) In addition to the requirements of section 10-620(c), projects must use architectural elements and articulation on building exteriors to reduce the bulk of buildings. Buildings must be designed to be visually appealing from all directions and must include at least three of the following methods of providing architectural relief:

- a. Recessed or defined entryways;
- b. Varying rooflines, pitches, and shapes;
- c. Dormers, balconies, porches, and staircases;
- d. Display windows that provide visibility into the building interior;
- e. Overhangs, awnings, and marquees; and
- f. Features such as cornices, articulated roof parapets, porticos, towers, or other details that alter building height.

(2) Examples of character and styling that emulate architectural features and materials that are associated with or compatible to the Florida Traditional and other acceptable and compatible architectural styles:

Key West or Cracker Style



Figure 5 (s. 32-805(d)(2))

Caribbean Style



Figure 6 (s. 32-805(d)(2))

Colonial Style



Figure 7 (s. 32-805(d)(2))

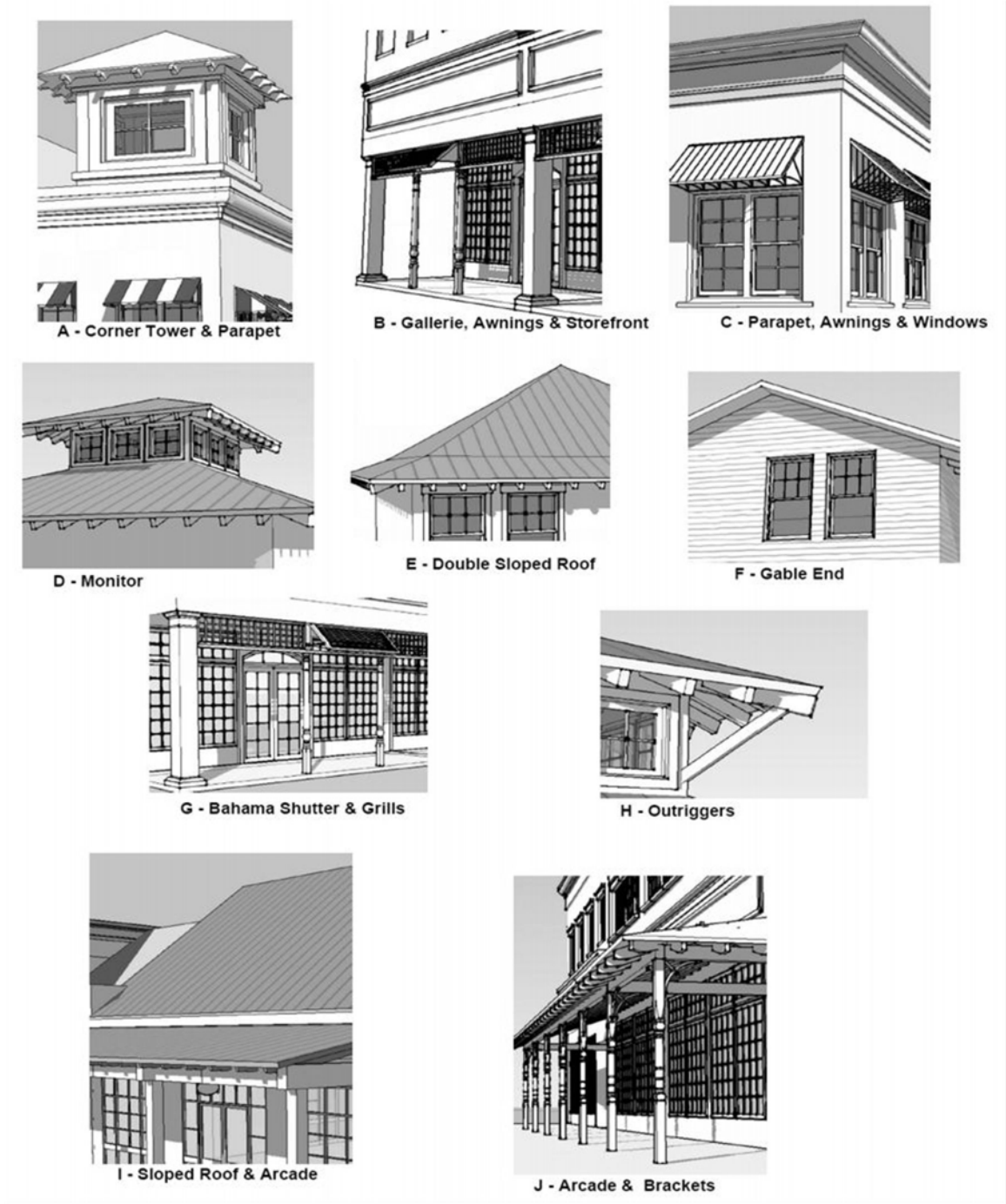


Figure 8 (s. 32-805(d)(2))

Secs. 32-806—32-810. Reserved.

SECTION FIVE: AMENDMENT TO LDC CHAPTER 33

Lee County Land Development Code Chapter 33 is amended as follows with strike through identifying deleted text and underline identifying new text.

Chapter 33 PLANNING COMMUNITY REGULATIONS

ARTICLE V. LEHIGH ACRES PLANNING COMMUNITY

DIVISION 1. IN GENERAL

Sec. 33-1400. Applicability.

- (a) Scope. The provisions of this Article will apply to all development located in the Lehigh Acres Planning Community (Lee Plan Map 1), as defined in Goal 32 of the Lee County Comprehensive Plan.
- (b) Zoning. The provisions of this Article apply to all requests to rezone within the Lehigh Acres Planning Community. Compliance with these provisions will be required to obtain zoning approval unless approved by variance or deviation.
- (c) Development orders. The provisions of this Article apply to development orders and Type 1, 2, 10, and 12 limited review development orders requested within the Lehigh Acres Planning Community. Compliance with these provisions will be required in order to obtain development order approval.
- (d) Demonstrating compliance. Compliance with the standards set forth in this article must be demonstrated on the drawings or site development plans submitted in conjunction with an application for development order approval or with a building permit application if a development order is not required.
- (e) Stipulation and Settlement Agreements. Prior to approval of zoning actions (planned development rezonings, special exceptions, variances, and conventional rezonings) and issuance of local development orders, the requested action must be reviewed and found to be in conformance with the Stipulation and Settlement Agreements.

Sec. 33-1401. Community Review.

- (a) Applications requiring review. The owner or agent applying for the following types of county approvals must conduct one publically advertised information session within the Lehigh Acres Planning Community prior to obtaining approval or finding of sufficiency of the following:

(1) Development orders. This includes all applications for development orders and Type 1, 2, 10 and 12 limited review development orders.

(2) Planned development zoning actions. This includes administrative deviations amending the approved master concept plan or other provisions of the zoning resolution.

(3) Special exception and variance requests.

(4) Conventional rezoning actions.

(b) Meeting requirements. The applicant is responsible for providing the meeting space, providing notice of the meeting, and providing security measures as needed. The meeting location will be determined by the applicant. Meetings may, but are not required to, be conducted before non-county formed Boards, Committees, Associations, or Planning Panels. During the meeting, the agent will provide a general overview of the project for any interested citizens. 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 applicant is not required to receive an affirmative vote or approval of citizens present at the meeting.

Sec. 33-1402. Existing Planned Developments.

Existing, approved master concept plans may be voluntarily brought into compliance with the Lehigh Acres Community Plan or any regulation contained in this Article through the administrative amendment process. No public hearing will be required if the sole intention is for existing planned developments to comply with these regulations. Notwithstanding, any request to change the zoning designation of a parcel must comply with the notice and hearing requirements under §125.66, F.S.

Sec. 33-1403. Deviations and Variances.

Variances or deviations may be requested in accordance with Chapter 34. If an applicant desires to deviate from any architectural, site design or landscaping guidelines in this Article, an applicant may do so at the time of development order in accordance with section 10-104. A rendered drawing to scale, showing the design, and clearly demonstrating the nature of the requested deviation or variance must be submitted as part of the application.

Sec. 33-1404. Posting of street numbers.

Principal commercial and multiple-family residential buildings must have street numbers displayed. It is the responsibility of both the owner and occupant of each building to post the assigned number in the following manner:

- (1) The principal building street number must be affixed to the front of the building and, if available, the ground-mounted identification sign. Street numbers must be clearly visible and legible from the direction in which primary vehicular access is provided to the building.
- (2) When more than one building is assigned the same street number, the common street number must be displayed in accordance with subsection (1) above, and on each individual building.

Sec. 33-1405. Landscaping.

- (a) *Materials*: Required landscaping material must be cold tolerant species.
- (b) *Internal Landscaping*: Not more than ten percent of the required internal landscape area, as related to the vehicular use area identified in section 10-416, may be planted in sod.
- (c) *Buffers*: Buffers must comply with section 10-416(d) except as modified below:
 - (1) Commercial projects that are part of mixed use developments are not required to provide buffers between internal 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.
 - (3) When commercial, place of worship, industrial, or public active recreational park uses abut single or multiple family residential uses a buffer must be provided. This buffer must be 25' in width with 7 trees, a double hedge row, and 33 ground covers per 100 linear feet. Palms are limited to a maximum of 25% of the buffer tree requirement. The hedge must be 48 inches in height at installation and be maintained at 72 inches high. Ground covers must be a minimum 1 gallon container size at time of planting.
 - (4) Section 10-416(d)(6) does not apply within the Lehigh Acres Planning Community.

Sec. 33-1406 through 33-1410. Reserved.

DIVISION II. COMMERCIAL DESIGN STANDARDS AND SPECIFICATIONS

Sec. 33-1411. Applicability.

All commercial development, except areas located within the Downtown Lehigh Acres, Community Mixed Use Activity Centers, Neighborhood Mixed-Use Activity Centers, or the Local Mixed-Use Activity Centers (Lee Plan Map 1 Page 8 of 8).

Subdivision I. Basic Elements

Sec. 33-1412. Parking.

In addition to the parking regulations in sections 34-2011 through 34-2022:

- (1) Adjacent commercial uses must provide interconnections for automobile, bicycle and pedestrian traffic.
- (2) Adjacent parking lots must have vehicular interconnection, unless divided by a public right-of-way.
- (3) Commercial development adjacent to a mixed-use development must provide interconnections for automobile, bicycle, and pedestrian traffic.

Sec. 33-1413. Lighting.

In addition to the requirements in sections 10-610(c) and 34-625:

- (1) Light fixtures must complement the building development with an architectural theme consistent with the overall development.
- (2) Parking lot lighting must utilize decorative light poles/fixtures.
- (3) Outdoor light fixtures must be shielded. Lighting must be directed to avoid intrusion on adjacent properties and away from adjacent thoroughfares.

Sec. 33-1414. Transportation.

- (1) New commercial development or redevelopment adjacent to Lee Boulevard right-of-way must provide access to 5th Street West, 4th Street West, or other local, collector or arterial roadway. Direct vehicular driveway access to Lee Boulevard may only be permitted if the property has no direct or indirect access to a public roadway and the driveway is shared with cross-access to all adjacent parcels. If no shared access exists, one must be created.

- (2) Connections to State Road 82 must be consistent with the Florida Department of Transportation (FDOT) Corridor Access Management Plan for State Road 82 adopted by FDOT in July 2007, Lee County Resolution No. 08-06-28. Meadow Road is designated as an access road for State Road 82 and the primary access for properties fronting on State Road 82.
- (3) Commercial development adjacent to Gunnery Road must utilize Gretchen Avenue, Floyd Avenue or other public roadway. Any connections to Gunnery Road must be consistent with the Gunnery Road Access Management Plan.

Subdivision II. Architectural

Sec. 33-1415. Architectural Style.

The preferred architectural styles for commercial development include a mixture of Old Florida, Mediterranean, Key West, Colonial, Contemporary, Caribbean, Spanish and other styles of architecture that are deemed compatible with or complementary to these styles. Distinct vernacular styles may be displayed through the inclusion of extended roof overhangs, porches, decorative columns, covered corridors, covered walkways, or pitched roofs.

Sec. 33-1416. Facade Treatment.

- (1) In addition to the requirements of section 10-620(c), projects must use architectural relief or articulation on building facades to reduce the bulk of buildings. Buildings that are visible from more than one right-of-way must use facade treatments on viewable facades.
 - (a) A singular façade must not exceed 50 lineal feet or more than one-third of the structure's length, whichever is less, before architectural relief or articulation occurs.
 - (b) Methods of providing architectural relief are not limited to the following:
 - (1) Recessed or defined entryways;
 - (2) Varying rooflines, pitches, and shapes;
 - (3) Dormers, balconies, porches, and staircases;
 - (4) Display windows that provide visibility into the building interior;
 - (5) Overhangs, awnings, and marquees; or
 - (6) Features such as cornices, articulated roof parapets, porticos, towers, or other details that alter building height.

- (2) Metal buildings. Sides of a metal building with frontage on an arterial or collector roadway must be designed with primary facade architectural features and elements consistent with section 10-620 so as not to reveal the metal structure.

Sec. 33-1417. Maximum height.

- (a) Maximum building heights are determined based on location in the Specialized Mixed Use Nodes of the Community Plan Overlay (Lee Plan Map 1 Page 8 of 8). Buildings outside of the Specialized Mixed Use Nodes are limited to a maximum of three stories or 45 feet, whichever is less, unless approved by variance or deviation in accordance with Chapter 34.

The maximum building heights, based on location in the Specialized Mixed Use Nodes are as follows:

- (1) Developments located in the Downtown designation are limited to a maximum of ten stories or 150 feet in height, whichever is less.
- (2) Developments located in the Community Mixed Use Activity Center designation are limited to a maximum of seven stories or 85 feet in height, whichever is less.
- (3) Developments located in the Neighborhood Mixed Use Activity Center designation are limited to a maximum of four stories or 55 feet in height, whichever is less.
- (4) Developments located in the Local Mixed Use Activity Center designation are limited to a maximum of three stories or 45 feet in height, whichever is less.
- (b) Elements that enhance visibility, create focal points or amenities may exceed the maximum height limitations by variance or deviation in accordance with Chapter 34.

Subdivision III. Signs

Sec. 33-1418. Applicability.

This subdivision is adopted as an addendum to the general sign regulations set forth in Chapter 30.

Sec. 33-1419. Prohibited signs.

The following types of signs are prohibited. No variances or deviations are permitted from this section.

- (1) Emitting signs
- (2) Flashing signs
- (3) Exposed neon signs
- (4) Pole signs
- (5) Pylon signs
- (6) Balloons, including inflatable air signs or other temporary signs that are inflated with air, helium, or other gaseous elements, except as permitted by special occasion permit
- (7) Banners, pennants or other flying paraphernalia, except:
 - a. As permitted by special occasion permit
 - b. An official federal, state, or county flag
 - c. One symbolic flag not to exceed 15 square feet in area for each institution or business
 - d. Decorative seasonal banners and holiday lighting on streetlight poles (Ordinance No. 07-04)
- (8) Temporary signs, except for the following that must comply with section 30-151:
 - a. Special occasion signs
 - b. Real estate signs
 - c. Construction signs
 - d. Political or campaign signs

Sec. 33-1420. Permanent signs in commercial and industrial areas.

- (1) Ground mounted identification signs must be a monument sign. A monument sign is a ground sign, the structural base of which is on the ground.

- (a) The height of the base must not exceed 24 inches above the adjacent ground.
 - (b) The sign must display the street numbers of the property on the face of the sign. Street numbers must measure between a minimum of four inches and a maximum of six inches in height. The copy area of the street number will not be counted toward the allowable sign copy area.
 - (c) Signs must complement the architectural style of the building or development.
- (2) Nonresidential subdivisions and multiple-occupancy complexes with more than five establishments:
- (a) Will be permitted one ground mounted identification sign per road frontage. No sign may exceed 150 square feet in area with a maximum height of 15 feet unless the frontage is along a local street where the primary use across the street is residential. In this instance, the sign is limited to maximum of 24 square feet in area with a maximum height of 6 feet and may not be illuminated.
 - (b) Individual occupants within a multiple-occupancy complex may place signs on a wall facing a local street where the primary use across the street is residential but these signs may not be illuminated.
- (3) Individual office, institution, business or industrial establishments, and multiple occupancy complexes with five or less establishments:
- (a) Will be permitted one ground mounted identification sign per road frontage.
 - (1) Primary road frontage will be permitted a maximum height of 10 feet.
 - (2) Secondary road frontage will be permitted a maximum height of 6 feet with a maximum area of 24 square feet.
 - (3) Provisions for a corner lot as listed in LDC Sec. 30-153(3)a.6 do not apply.
 - (b) Will be permitted to place signs on a wall facing a local street where the primary use across the street is residential but these signs may not be illuminated.

(4) Lighting

(a) Ground mounted identification signs:

- (1) Illumination must comply with LDC Sec 34-625.
- (2) Exposed raceways are prohibited.

(b) Wall mounted signs:

- (1) Raceways and electrical junction boxes must be painted to match the building exterior.

(c) Electrical connections, wiring, etc. must be concealed.

Sec. 33-1421. Permanent signs for live-work units.

- (a) Live-work units, in accordance with section 33-1431(c)(2), are permitted one sign on the property: a ground mounted identification sign; or a wall mounted sign. A ground mounted sign is limited to a maximum structure size of 18 square feet (3 feet in height by 6 feet in length). A wall mounted sign is limited to a maximum size of 24 square feet. Signs may not be illuminated.

Sec. 33-1422. Food vending cart signs.

Individual identification signs including sandwich signs are prohibited as well as signs listed as prohibited in this section; however, advertising signs may be permitted on the temporary food vending cart but may not extend beyond the cart.

Sec. 33-1423 through 33-1429. Reserved.

DIVISION 3. SPECIFIC USE STANDARDS

Subdivision I. Model Homes

Sec. 33-1430. Applicability.

The following regulations apply to model homes on arterial roads in the RS-1 zoning district that were: approved by special exception; permitted and constructed; and, received a certificate of occupancy/compliance.

Sec. 33-1431. Model Homes.

- (a) *Special exception.* A model home may receive a special exception pursuant to Sec. 34-145(c) for uses permitted in Sec. 33-1431(c). An application for a

special exception must be submitted in accordance with the procedures outlined in Chapter 34 Division 6.

- (b) Development order. Local development order approval is required prior to occupancy of the existing building, construction of any building additions, and all site related improvements. The existing building, all building additions and site related improvements, except landscaping as specified below, are required to meet the applicable commercial land development and building code regulations prior to development order approval.

Landscaping. When required landscaping cannot be provided due to site constraints, landscaping improvements may be addressed through an alternative landscape betterment plan per Section 10-419.

- (c) The following regulations will apply to redevelopment of model homes:

- (1) Permitted uses. The following uses may be approved for a model home through the special exception process. These uses are in addition to the uses permitted or permitted by special exception in the RS-1 zoning district. Other uses are subject to approval through a planned development in accordance with Chapter 34 Article IV.

Banks and financial establishments (34-622(c)(3)): Groups I and II

Business services (34-622(c)(5)): Group I

Cleaning and maintenance services (34-622(c)(7))

Contractors and builders (34-622(c)(9)): Group I

Cultural facilities, limited to art galleries, aquariums, historical sites

Day care centers, child and adult

Hobby, toy and game shops (34-622(c)(21))

Laundromat

Laundry or dry cleaning (34-622(c)(24)): Group I

Library

Live-work unit (33-1431(c)(2))

Medical office

Non-store retailers (34-622(c)(30)): Group I

Personal services (34-622(c)(33)): Groups I, II, III & IV

Place of worship

Real estate sales office

Religious facilities

Repair shops (34-622(c)(40)): Groups I and II

Schools, commercial

Signs per Chapters 30 and 33

Studios (34-622(c)(49))

(2) Live-work units.

(a) Live-work unit means a dwelling unit, part of which is used as a business establishment and the dwelling unit is the principal residence of the business operator. Live-work units typically include a ground floor dedicated to office, retail space or service space, and upper or rear floors for living quarters. A live-work unit contains the following:

(1) Living space means rooms used by a single household as a dwelling unit. The living space of a live-work unit must contain a kitchen area and sanitary facilities.

(2) Work space means an area that is designed or equipped exclusively or principally for the conduct of work activities and is to be regularly used for such work activities by one or more occupants of the living space.

(b) Live-work units may be developed in former model homes subject to the following:

(1) The working area must not exceed 50 percent of the total floor area of the unit. The use must be conducted entirely within the work unit.

(2) The minimum lot size is 7,500 square feet.

(3) In addition to the uses permitted in the RS-1 zoning district, the uses in a work unit are limited to those uses permitted by special exception in section 33-1431(c)(1).

(4) The owner/occupant must maintain a valid county local business tax receipt (f/k/a occupational license) for the business on the premises. Proof of payment of the annual local business tax will be required to be submitted to the Lee County Department of Community Development annually.

(5) Parking, based on the total work floor area, will be calculated based on the applicable parking standard for the nonresidential use. Up to, but not more than one-half of the required number of parking spaces may be reduced as part of the special exception, provided the request is supported by sufficient data and analysis to demonstrate the reduced parking would not create any negative impacts. If insufficient

parking exists, the use will not be permitted unless otherwise approved by deviation or variance.

- (6) Outdoor storage or display of materials, goods, supplies, equipment, or products associated with the business is prohibited.
 - (7) No equipment may be utilized which create noise, vibration, glare, fumes, odors, or electrical interference objectionable to the normal senses.
 - (8) Live-work units must comply with all applicable land development, building, and fire code regulations, except as otherwise approved, prior to receiving a Certificate of Occupancy.
- (3) Properties within 300 feet of arterial or collector roads may not be developed with new single-family model homes.

Subdivision II. Food Vending Carts

Sec. 33-1432. Food Vending Carts.

- (1) Applicability. The following regulations apply to food vending carts:
- (a) Food vending carts may be permitted in conventional zoned commercial and industrial properties; commercial and industrial planned developments; mixed use planned developments on the commercial or industrial portions; and on properties developed with a religious facility with a place of worship, as defined in section 34-2.
 - (b) Temporary permits for food vending carts will be issued in accordance with section 34-3041.
 - (c) A food vending cart must be located on private property and not be placed within the public right-of-way.
 - (d) The temporary use permit for food vending carts will be valid for a period of one year from the date of issuance. At the end of one year, the applicant must apply for a new permit.
 - (e) Responsibility for restroom facilities for employees lies with the occupational license holder and must be detailed in the application for a temporary use permit.

(f) Food vending carts must be approved by the county health department with proof of approval provided at the time of request for a temporary use permit as well as compliance with the following conditions:

(1) The applicant must provide a notarized letter from the property owner giving permission for the use of the property.

(2) Food vending carts must be in compliance with applicable building codes and must be located in an area which does not detract from visibility at intersections, block any driveway, fire lane or fire hydrant, or cause parking problem associated with the use or patronage of the food vending cart.

(3) A site plan must be submitted showing the layout of the property, including the location of existing building(s), the food vending cart, parking spaces, aisle ways for pedestrians and any seating area. Food vending carts must be located on an asphalt or concrete surface. Minimum setbacks from all applicable property lines must be shown as follows:

<u>(a) Street setback</u>	<u>50 feet for arterials and collectors</u> <u>25 feet for local</u>
<u>(b) Side setback</u>	<u>15 feet</u>
<u>(c) Rear setback</u>	<u>25 feet</u>

(4) Temporary permits will be issued for individual carts at specified locations and will be nontransferable. Change in ownership of a cart or location requires application and applicable fees for a new permit.

(5) There must be no more than one temporary food vending cart located within one mile of another temporary food vending cart.

(6) Food vending carts must not exceed 200 square feet in floor area.

(7) No alcoholic beverages are to be sold or consumed from temporary vending carts.

(8) Food vending carts must not be left unattended and must be removed each evening in accordance with approved hours of operation.

(g) For the purposes of this section, a food vending cart is synonymous with a van, or trailer serving food.

- (h) Vending carts used for, but not limited to, the sale of flowers, souvenirs, goods, or paintings, that are not part of a permitted temporary special event, are prohibited.

Subdivision III. Duplex and Two-Family Attached Dwelling Units

Sec. 33-1433. Purpose.

The purpose of this subdivision is to modify and supplement sections 34-3107 through 34-3108 in order to enhance the appearance of duplex and two-family attached structures.

Sec. 33-1434. Development Standards.

(a) Architectural Standards.

- (1) Primary facades must be designed with features consistent with the appearance of a single-family dwelling. A maximum of one door may directly face the adjacent street right-of-way and must have a distinct entry feature such as a porch or covered entryway.
- (2) Mechanical equipment including, but not limited to, air conditioning units, pool pumps, generators and well tanks, must be screened from view of the public right-of-way and adjacent residential properties with landscaping, fencing, or both. Fencing must be consistent with Section 34-1742.
- (3) A minimum of one attached single car garage is required for each dwelling unit.
- (4) Garages must be designed for side-entry so as not to face a street right-of-way, or be recessed a minimum of four feet behind the front facades or porches of the dwelling unit.
- (5) When located on a corner lot, each individual unit must face a separate street right-of-way.
- (6) When located on a through lot, each individual unit must face a separate street right-of-way.

(b) Driveways.

- (1) A driveway must be provided for each unit that connects the building to the paved road. The driveways must be a minimum of 20 feet wide and provide a minimum of two parking spaces.

(2) The driveway must be constructed of concrete, asphalt or concrete pavers and comply with the provisions set forth in Lee County Administrative Code 11-2 pertaining to residential driveways.

(3) Use of the driveway for commercial activities is prohibited unless the applicable permits are obtained.

Sec. 33-1435 through 33-1449. Reserved.

ARTICLE VI. Reserved

Sec. 33-1450 through 33-1479. Reserved.

ARTICLE VII. CALOOSAHATCHEE SHORES PLANNING COMMUNITY

DIVISION 1. IN GENERAL

Sec. 33-1480. Applicability.

This division is applicable to Caloosahatchee Shores Planning Community (see Map 14 in Appendix I), described in Goal 21 of the Lee County Comprehensive Plan (Lee Plan).

(a) *Scope.* The provisions of this Article apply to all development located in the Caloosahatchee Shores Planning Community, as defined in section 33-1481(a) and depicted in the Lee County Comprehensive Plan on Lee Plan Map 1 Special Treatment Areas (Page 2 of 8) and apply to all commercial, religious, institutional, multiple-family, and mixed use developments, including live-work units, except where the authority of a separate political jurisdiction supersedes county authority.

(b) *Zoning.* The provisions of this Article apply to all requests to rezone property located within the Caloosahatchee Shores Community. Compliance with these provisions will be required to obtain zoning approval unless approved by variance or deviation.

(c) *Development Orders.* The provisions of this Article apply to all development orders and type 1, 2, 10, and 12 limited review development orders for property located within the Caloosahatchee Shores Community. Compliance with these provisions will be required in order to obtain development order approval.

(d) *Demonstrating Compliance.* Compliance with the standards set forth in this article must be demonstrated on the drawings or site development plans submitted in conjunction with an application for development order approval or with a building permit application if a development order is not required.

Sec. 33-1481. Planning Community Boundaries.

(a) Caloosahatchee Shores Planning Community. The boundaries of the Caloosahatchee Shores Planning Community are as depicted in the Lee County Comprehensive Plan on Lee Plan Map 1 Special Treatment Areas (Page 2 of 6) and in Appendix I on Map 14. The following Overlays are located within the Caloosahatchee Shores Planning Community.

(1) Olga Planning Community Overlay. The boundaries of the Olga Community overlay district are as depicted in the Lee County Comprehensive Plan on Lee Plan Map 1 Special Treatment Areas (Page 2 of 6) and in Appendix I on Map 14.

(2) State Route 80 Corridor Overlay. The boundary of the State Route 80 Corridor overlay district is as depicted in Appendix I on Map 15 and is generally described as the linear corridor between State Route 80 and First Street from West Road to Buckingham Road/Old Olga Road.

Sec. 33-1482. Community review.

(a) Applications requiring review. The owner or agent applying for the following types of county approvals must conduct one publically advertised information session within the Caloosahatchee Shores Planning Community prior to obtaining approval or finding of sufficiency of the following:

(1) Development orders. This includes all applications for development orders and Type 1, 2, 10 and 12 limited review development orders.

(2) Planned development zoning actions. This includes administrative deviations amending the approved master concept plan or other provisions of the zoning resolution.

(3) Special exception and variance requests.

(4) Conventional rezoning actions.

(b) Meeting requirements. The applicant is responsible for providing the meeting space, providing notice of the meeting, and providing security measures as needed. The meeting location will be determined by the applicant. Meetings may, but are not required to, be conducted before non-county formed Boards, Committees, Associations, or Planning Panels. During the meeting, the agent will provide a general overview of the project for any interested citizens. 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 applicant is not

required to receive an affirmative vote or approval of citizens present at the meeting.

Sec. 33-1483. Existing planned development.

Existing approved master concept plans may be voluntarily brought into compliance with the Caloosahatchee Shores Plan or any regulation contained in this Article through the administrative amendment process. No public hearing will be required if the sole intention is for existing planned developments to comply with these regulations. Notwithstanding, any request to change the zoning designation of a parcel must comply with the notice and hearing requirements under §125.66, F.S.

Sec. 33-1484. Deviations and variances.

Variances or deviations may be requested in accordance with Chapter 34. If an applicant desires to deviate from any architectural, site design or landscaping guidelines in this Article, an applicant may do so at the time of development order in accordance with section 10-104. A rendered drawing to scale, showing the design, and clearly demonstrating the nature of the requested deviation or variance must be submitted as part of the application.

Sec. 33-1485. 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. If a term is not defined the term must be given its commonly understood meaning unless there is a clear indication of an intent to construe the term differently from its commonly understood meaning.

Articulation means shapes and surfaces having joints or segments that subdivide the area or elements; the joints or members add scale and rhythm to an otherwise plain surface. Articulation can be horizontal or vertical.

Board and batten means exterior siding that has alternating wide boards and narrow wooden strips.

Clearstory means an architectural roof feature that extends above the roof and contains windows.

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

Facade means the vertical exterior surfaces of a building.

Florida vernacular means the architectural style in the Caloosahatchee Shores Planning Community consistent with the historic design features of central and south Florida building tradition that incorporate elements from traditional Colonial Revival, and Folk architectural styles.

Live-work unit means a dwelling unit, part of which is used as a business establishment and the dwelling unit is the principal residence of the business operator. Live-work units typically include a ground floor dedicated to office, retail space or service space, and upper or rear floors for living quarters. A live-work unit contains the following:

(a) Live space means rooms used by a single household as a dwelling unit. The living space of a live-work unit must contain a kitchen area and sanitary facilities.

(b) Work space means an area that is designed or equipped exclusively or principally for the conduct of work activities and is to be regularly used for such work activities by one or more occupants of the living space.

Monument sign or monument-style sign is a ground sign, the structural base of which is on the ground. The height of the base must not exceed 36 inches above the adjacent ground. The average width of the sign structure must exceed the total height of the sign structure. The width of the top of the sign structure must not exceed 120 percent of the width of the base. The face of sign area for a monument sign will be measured in accordance with section 30-91.

Pedestrian level lighting means a lighting fixture with a height between 10 feet and 15 feet that provides consistent illumination of at least one footcandle on the walking surface.

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

Public open space means people-oriented spaces that take into consideration human scale and proportion and provide pedestrian connections and linkages, such as courtyards or plazas. Public open space must be designed for function by providing amenities for users. Design and amenities can include textured paving, landscaping, lighting, shade trees, and street furniture such as outdoor seating, kiosks, bus shelters, sculptures, tree grids, trash receptacles, fountains, and umbrellas.

Sec. 33-1486 through 33-1490. Reserved.

DIVISION 2. DESIGN STANDARDS

Subdivision I. Basic Elements

Sec. 33-1491. Lighting.

In addition to the requirements of section 34-625, the following standards must be incorporated into development design:

(a) Pedestrian level lighting must be provided at building entryways and on pedestrian walkways from parking areas to building entryways.

(b) Lighting must be given a consistent architectural theme that complements the building's exterior and the overall building development.

(c) Lighting must be provided throughout all parking areas utilizing decorative light poles/fixtures.

(d) Light fixtures must be fully shielded except for pedestrian light fixtures. Lighting must be directed to avoid intrusion on adjacent properties and away from adjacent thoroughfares.

(e) Light fixtures must not conflict with landscaping requirements. Lighting plans must be coordinated with landscape plans to eliminate potential conflicts.

(f) Buildings, awnings, roofs, windows, doors and other elements may not be designed to be outlined with light. Exposed neon and backlit awnings are prohibited. Temporary seasonal lighting during the month of December is excluded from this requirement.

Sec. 33-1492. Utilities.

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

Sec. 33-1493. Parking.

In addition to the parking regulations in Chapter 34, Division 26, the following will apply to all development:

(a) *Location.* No more than 20 percent of parking area may be located between the street right-of-way and the principal structure or on the side of the building. The balance of the parking must be located in the rear of the building.

(b) *Internal circulation and pedestrian connections.* The following requirements are in addition to the requirements of section 10-610(e).

(1) Pedestrian walkways must be provided for each vehicular entrance to a development, excluding ingress and egress points intended primarily for service, delivery, or employee vehicles.

(2) Sidewalks or pedestrian walkways must connect the on-site pedestrian systems to pedestrian systems on adjacent developments (Figure1).

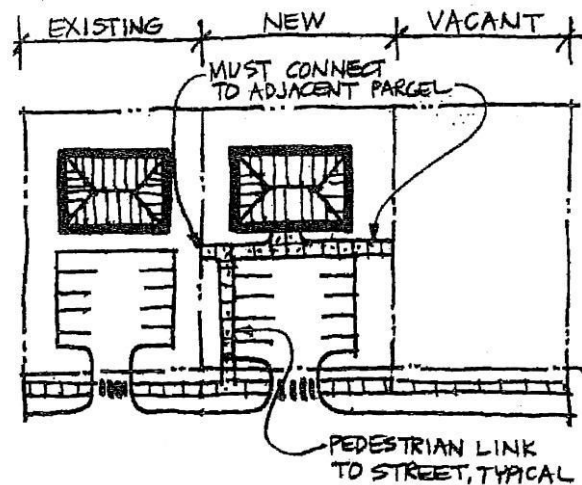


Figure 1 (s. 33-1493(b)(2))

(3) Where walkways cross traffic lanes, special design features must be used to increase safety for the pedestrian, that may include raised or textured pavement, curb extensions to narrow the travel lane or low-level lighting, such as a bollard light.

(c) Interconnections and shared access. To increase vehicular and pedestrian interconnections and minimize the number of access points from primary road corridors, adjacent commercial uses must provide interconnections for automobile, bicycle and pedestrian traffic. All adjacent parking lots must connect, unless divided by a public right-of-way.

Sec. 33-1494. Dry Detention.

Dry detention areas must be planted with Southern Red Maple (*Acer rubrum*), South Florida Slash Pine (*Pinus elliotii* var. *densa*), Laurel Oak (*Quercus hemisphaerica*), and/or Cypress (*Taxodium distichum*) trees. The trees must be planted twenty (20) feet on center and at time of installation the trees must be six feet in height, two inch caliper, and a three foot spread.

Subdivision II. Architectural

Sec. 33-1495. Applicability.

Architectural design of all commercial, public and mixed-use buildings within the Caloosahatchee Shores Planning Community must comply with this subdivision.

Sec. 33-1496. Architectural style.

The architectural style in the Caloosahatchee Shores Planning Community is Florida vernacular. Vernacular style must be displayed through the inclusion of building materials, roof overhangs, porches, columns, covered corridors, covered walkways and pitched roofs (where applicable).

Sec. 33-1497. Maximum height.

(a) Building height is limited to a maximum of three stories or 45 feet, whichever is less, for properties located in the Suburban, Outlying Suburban, and Rural future land use categories. For all other future land use categories heights are permitted in accordance with Chapter 34.

(b) Elements that enhance visibility, create focal points or amenities, may exceed the maximum height limitations with an approved variance or deviation. Exceptions to height limitations for certain structural elements are permitted in accordance with Section 34-2173.

Sec. 33-1498. Facade treatment.

In addition to the requirements of section 10-620(c), projects must use architectural relief or articulation on building facades to reduce the bulk of buildings. Buildings must be designed to be visually appealing from all directions. Buildings that are visible from more than one right-of-way must use articulation and/or architectural treatments on all viewable facades.

(a) A singular facade must not exceed 50 lineal feet or more than one-third of the structure's length, whichever is less, before architectural relief or articulation occurs.

(b) Architectural relief of blank facades must include three or more of the following:

- (1) Recessed or clearly defined entryways;
- (2) Varying rooflines, pitches and shapes (Figure 2);
- (3) Dormers, balconies, porches and staircases;
- (4) Transparent window or door areas or display windows that provide visibility into the building interior;
- (5) Overhangs and awnings;

- (6) 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;
- (7) Architectural features such as cornices, articulated roof parapets or other details that alter the building height; or
- (8) Application of a contrasting base that is a minimum 3-feet high and extends along the entire front face of the building that is adjacent to the right-of-way.

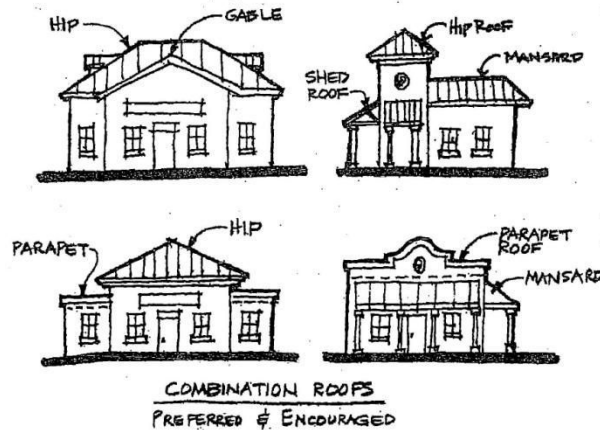


Figure 2 (s. 33-1498(b)(2))

Sec. 33-1499. Building materials.

(a) Traditional building materials, such as masonry, stone, brick, or wood, must be used as the predominant exterior building materials for all new construction renovations and additions. Acceptable finishes include, horizontally struck stucco, board and batten, and stained hardwood panels. Plastic or vinyl siding is permitted only when necessary to establish the Florida vernacular style.

(b) The following exterior building materials may only be used as secondary exterior finish materials, provided they cover no more than 10 percent of the building facade area. This restriction does not apply to roofs.

- (1) Tile;
- (2) Plain, smooth, scored or rib faced concrete block;
- (3) Plywood or sheet pressboard;
- (4) Any translucent material, other than glass; or

(5) Any combination of the above.

Sec. 33-1500. Roofs.

In addition to the requirements of 10-620(d), the following standards identify appropriate roof treatments and features.

(a) The roof must be a minimum combination of two simple roof styles. Simple roof styles include: flat roof, hip roof, parapet roof, gable roof and mansard roof (Figure 3).

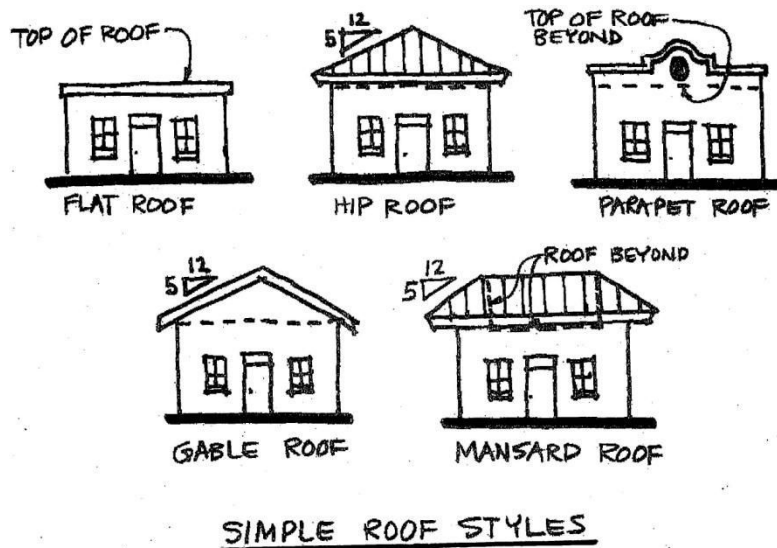
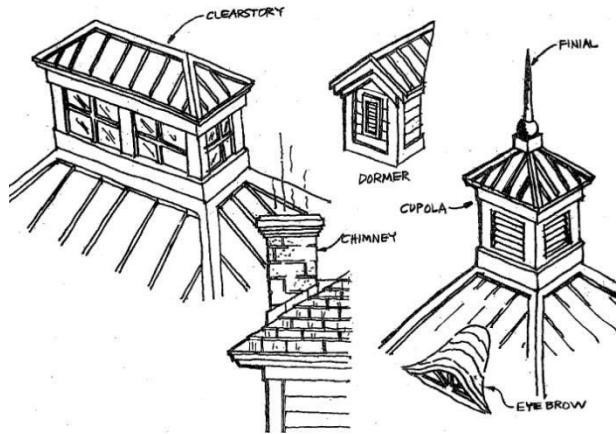


Figure 3 (s. 33-1500(a) & (b))

(b) The pitch of the main roof (hip, gable, or mansard) must be designed to have an average slope of 5V:12H (Figure 3) and a minimum 6 inch overhang. The pitch of a porch roof must be lower than that of the main roof.

(c) Architectural roof features are permitted and include dormers, clearstories, chimneys, cupolas, and finials (Figure 4). Mansard roofs must incorporate dormers. Roof features and materials must be in scale with the building's mass and complement the overall architectural design of the building.



ARCHITECTURAL ROOF FEATURES

Figure 4 (s. 33-1500(c))

(d) The following types of materials are permitted: standing seam metal, metal shake, 5V crimp metal, and concrete tile. The following materials are not acceptable: 2-tab shingles and barrel tiles.

(e) The roof color may contrast the primary building color, but must create a harmonious impact, complement the principal structure as well as existing surrounding buildings.

Sec. 33 -1501. Window treatment.

(a) Windows must have designs that are simple and in proportion to the overall building design. Windows may be embellished with colonial or Bahama style shutters.

(b) Windows must not appear to be false and applied (Figure 5).

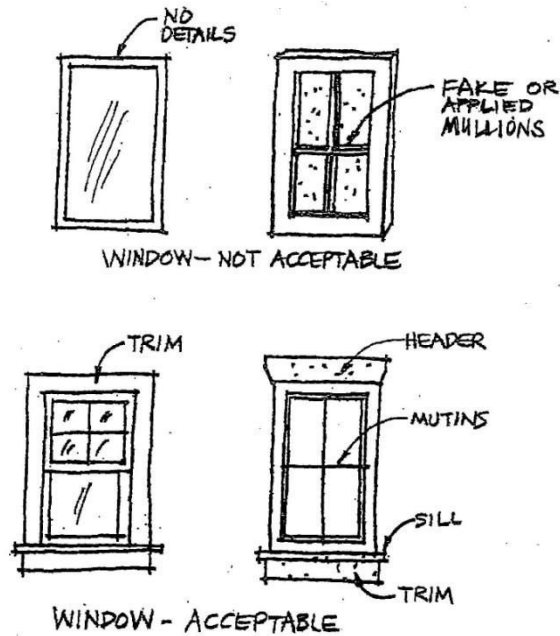


Figure 5 (s. 33-1501(b))

(c) When window security gratings are necessary, they must be interior to the structure and concealed from street view.

Sec. 33 -1502. Awnings, Balconies, Porches and Stairs.

(a) If an awning or balcony is over a sidewalk, it must project from the surface of the building at a minimum height of eight feet. No awnings, balconies or porches may be placed in or over any public right-of-way.

(b) The design, materials and color of an awning, balcony or porch must complement the architecture of the building, not obscure its features and must be consistent with the visual scale of the building.

(c) Awnings.

(1) Awnings must be placed at the top of openings. The awning shape must correspond with the shape at the top of the opening (Figure 6). Flat canopies are discouraged except in circumstances where it is accompanied by a valance.

(2) Awnings must correspond with openings and must not connect at corners so as to "wrap" the building (Figure 7).

(3) Materials must be of high quality, durable and weather resistant. Plastic or shiny materials, such as un-finished metal, are prohibited.

(4) Awnings that are a permanent part of the building architecture may be constructed of metal, wood, or other traditional building materials. The design and materials must be consistent with the overall design of the building.

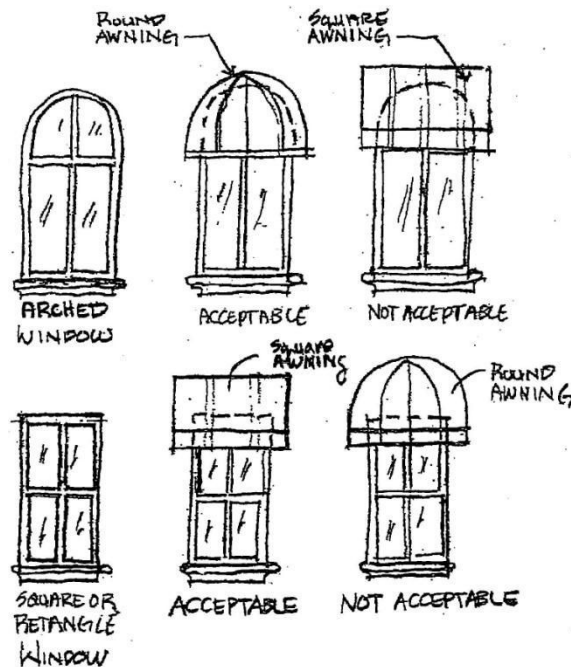


Figure 6 (s. 33-1502(c)(1))



Figure 7 (s. 33-1502(c)(2))

(d) *Balconies.* The balcony must be adorned with a decorative bracket, or similar finish, around the bottom of the structure so as to have a completed appearance. The railings and decorative features must have the appearance of light frame wood construction.

(e) *Porches.*

(1) A porch must encompass an area greater than fifty percent of the front facade and must have a depth of at least 60 inches.

(2) The space between the floor of the porch and the ground must be screened with lattice or enclosed with the predominant exterior building material of the principal building.

(3) Porch railings, columns, posts and decorative trim must have the appearance of light frame wood construction.

(4) Screen enclosures may not be used to enclose the porch and are otherwise prohibited between the principal structure and the street right-of-way.

(f) Stairs. Stairs that extend higher than the base elevation of the structure are not permitted between the principal structure and an adjoining street right-of-way.

Sec. 33 -1503. Multi-tenant buildings.

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 50 feet or not less than one-third the structure's length. 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.

Subdivision III. Signs

Sec. 33-1504. Applicability.

Whenever the requirements of this subdivision impose a different standard than the provisions of Chapter 30, the requirements of this subdivision will govern. Except where specifically modified by the provisions of this subdivision, all requirements of Chapter 30 apply.

Sec. 33 -1505. Prohibited signs.

(a) The following signs are prohibited within the Caloosahatchee Shores Planning Community. No variances or deviations are permitted from this section.

(1) Animated signs.

(2) Emitting signs.

(3) Changing sign (automatic), including electronic changing message centers.

(4) Figure - structured signs.

(5) Pole signs/freestanding.

(6) Pylon signs.

(7) Flashing signs.

(8) Roof signs.

(9) Balloons, including all inflatable air signs or other temporary signs that are inflated with air, helium or other gaseous elements, except as permitted by special occasion permit.

(10) Banners, pennants or other flying paraphernalia, except as permitted by special occasion permit or an official federal, state, county flag, or one symbolic flag not to exceed 15 square feet in area for each institution or business.

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

Sec. 33 -1506. Permanent signs in commercial and industrial areas.

(a) Identification sign. A nonresidential subdivision or parcel will be permitted one monument-style identification sign (Figure 8) along any street that provides access to the property in accordance with section 30-153 and the following:

(1) Except as provided in subsection (3) below, the maximum height of any identification sign on properties located in the Suburban, Outlying Suburban, or Rural future land use categories will be 7 feet with architectural features not to exceed 10 feet in height.

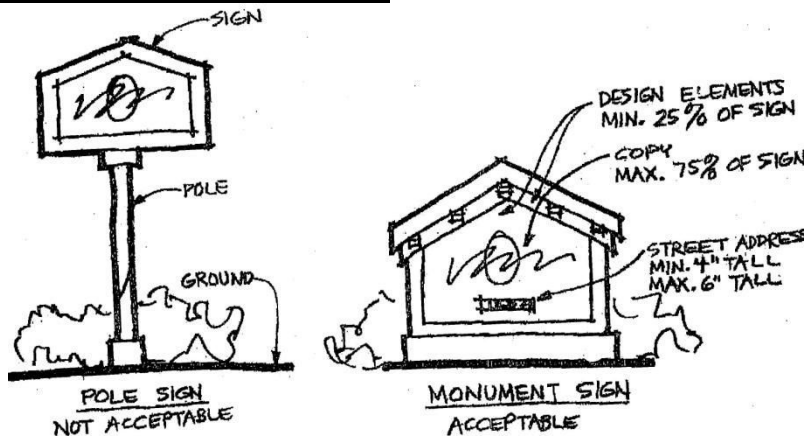


Figure 8 (s. 33-1506(a)(1))

(2) Lighting.

a. Permissible lighting. Except as provided in section 30-153(2)a.1.iv., 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 may not be animated or illuminated by:
1. A visible source of external lighting;
 2. Exposed neon; or
 3. Exposed raceways.
- c. All electrical connections, wiring, etc., must be concealed.
- (3) Except as provided herein, monument-style identification signs must be set back a minimum of 15 feet from any street right-of-way or easement, and ten feet from any other property line.
- Exception:* In the State Route 80 Corridor Overlay District, where the building is within 10 feet of the street right-of-way or road easement, the sign may be placed closer than 10 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 with architectural features not to exceed 10 feet in height, and the sign is not located within ten feet of any overhead electrical supply.
- (4) All monument-style identification signs must display the street address of the property. Street numbers must measure between a minimum of four inches and a maximum of six inches, in height. The copy area of the street address will not be counted toward the allowable sign copy area.
- (5) Copy area of a monument sign may not exceed 75 percent of the total sign structure area and a minimum of 25 percent of the sign structure area must be devoted to architectural features.
- (6) Signs must match the architectural style of the building or development.
- (7) Wall signs are permitted in accordance with section 30-153(2)(c)1 and section 30-153(3)d, with a maximum area of 300 square feet per wall per tenant. This area is to be determined by the sum of any and all signs on

the tenants wall. Wall signs may not contain advertising messages or sales item names.

Sec. 33-1507 through 33-1510. Reserved.

DIVISION 3. OVERLAY DISTRICTS

Sec. 33 -1511. Applicability.

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

Subdivision I. Olga Planning Community

Sec. 33-1512. Commercial Development.

All new commercial development must be zoned a Commercial Planned Development district.

Sec. 33 -1513. Development regulations.

(a) Setbacks. The following setbacks are the minimum setbacks for all commercial structures:

- (1) Street setback - 40 feet
- (2) Side yard setback - 30 feet
- (3) Rear yard setback - 50 feet

(b) Maximum lot coverage. The maximum lot coverage (percent of total lot area) is 25 percent for all commercial development north of SR 80 and east of South Olga Drive.

(c) Maximum height. Buildings are limited to a maximum of two stories or 35 feet, whichever is less, in height. Elements that enhance visibility, create focal points or amenities, may exceed the maximum height limitations with an approved variance or deviation.

Sec. 33 -1514. Open space.

The following are the minimum open space requirements for developments:

- (1) Developments less than 5 acres must provide 30% open space.

(2) Developments between 5 and 10 acres must provide 40% open space.

(3) Developments more than 10 acres must provide 50% open space.

Sec. 33 -1515. Parking lots.

In addition to the parking regulations in section 33-1493, the following applies to all development:

(a) Parking lots cannot be located between the street right-of-way and the principal building or on the side of the building adjacent to the street right-of way.

(b) Parking may be reduced up to 50 percent in order to provide more open space and less impervious surfaces on the site. The percentage difference must be converted to internal landscaping and open space.

(c) No parking space can be more than 50 feet from a canopy tree.

(d) The internal planting area must be comprised of canopy trees, cold tolerant palms (three palms to one canopy tree), shrubs, and groundcover. Plant material must be in accordance with section 10-420.

Subdivision II. State Route 80 Corridor

Sec. 33 -1516. Applicability.

For all development requiring a development order and/or for live-work units, a public hearing is not required when: the property is within the State Route 80 Corridor; when the property has a minimum depth of 260 feet (including a 20 foot-wide alleyway) and a minimum width of 75 feet; the development provides a combination of residential and commercial uses; and the development complies with the provisions of this Article. A master concept plan and the information required pursuant to sections 34-202 and 34-373 must be submitted for review and approval by administrative action. Any request to change the zoning designation of a parcel must comply with the notice and hearing requirements under §125.66, F.S. Developments of regional impact, deviations not able to be approved administratively, special exceptions and variances are not exempt from the public hearing process.

Sec. 33-1517. Commercial Site Location Standards.

The parcels located in the State Route 80 Corridor Overlay District are not subject to the commercial site location standards of Lee Plan Policy 6.1.2 and have been determined to meet the requirements of the commercial infill requirements of the Lee Plan.

Sec. 33-1518. Uses.

Commercial uses are limited to those permitted in the underlying commercial zoning district or as approved in a schedule of uses for a planned development district. Uses on properties zoned residential, developed in conjunction with a commercially zoned property, are limited to ancillary parking lots, fences and walls, signs, essential services, water retention and temporary uses. If two lots with a minimum 260 foot lot depth are replatted to alter the location of the alleyway, commercial uses, limited to those permitted in the underlying commercial zoning district or as approved in a schedule of uses for a planned development district, will be allowed south of the platted alleyway.

Sec. 33 -1519. Property development regulations table.

Property development regulations are as follows:

<u>Table 33 -1519. PROPERTY DEVELOPMENT REGULATIONS FOR THE STATE ROUTE 80 CORRIDOR OVERLAY DISTRICT</u>			
	<u>Special Notes or Regulations</u>	<u>Minimum</u>	<u>Maximum</u>
<u>Lot area and dimensions:</u>	<u>34-2221 & 34-2142</u>		
<u>Lot size (square feet)</u>		<u>7,500</u>	<u>--</u>
<u>Lot width (feet)</u>		<u>75</u>	<u>--</u>
<u>Lot depth (feet)</u>		<u>120</u>	<u>260¹</u>
<u>Setbacks:</u>	<u>34-2191 et seq.</u>		
<u>Street² (feet)</u>		<u>10</u>	<u>25</u>
<u>First Street (feet)</u>	<u>34-2192</u>	<u>0³</u>	<u>--</u>
<u>Side yard⁴ (feet)</u>		<u>0</u>	<u>N/A</u>
<u>Rear yard (feet)</u>		<u>25</u>	<u>N/A</u>
<u>Building Separation (feet)</u>		<u>10⁵</u>	<u>20</u>
<u>Height (feet)</u>		<u>--</u>	<u>45</u>
<u>Lot Coverage (% of total lot area)</u>		<u>--</u>	<u>80%⁶</u>

Notes:

- The maximum lot depth is permitted only when two lots are combined between SR 80 and First Street and include a 20 foot-wide platted alleyway (Plat Book 9 Pages 151-154). The two lots that comprise the 260 foot lot depth may be replatted to alter the location of the alleyway but the alleyway cannot be vacated. The alleyway may be used as primary access into the proposed development.

2. Minimum of 40 percent of the building frontage will be required at the setback along SR 80.
3. The minimum setback of zero feet on First Street is only permitted if the maximum 260 foot lot depth is met. If the lot depth is not 260 feet, a minimum street setback in compliance with section 34-2192 is required.
4. Developments should provide setbacks of five feet or less to create a continuous 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 the buildings must meet fire protection standards.
5. The minimum building separation of 10 feet is permitted subject to compliance with all applicable building and fire codes.
6. The maximum lot coverage may only be obtained when the property has a minimum depth of 260 feet (that includes a 20 foot-wide alleyway) and a minimum width of 75 feet and the development complies, except as otherwise approved, with all applicable LDC regulations including, but not limited to, parking and open space.

Sec. 33 -1520. Parking.

In addition to the parking regulations in Chapter 34, Division 26 and section 33-1493:

(a) *Location.* Parking located adjacent to State Route 80 is prohibited. Parking must be located in the rear of the building.

(b) *Shared parking.* Shared parking is permitted subject to the following:

- (1) Shared parking lots must be within a quarter mile (1,320 feet) of each use. Shared parking lots may not be separated from the use by a street right-of-way or easement that exceeds 25 feet in width.
- (2) Pedestrian access ways must be provided continuously from the proposed use to the shared parking lot.
- (3) No part of a parking lot used, designed or intended to satisfy required parking for any use may be used to offset the parking requirements for another use unless the peak parking demands of the uses clearly occur at different times.

(c) *Parking reduction.* Parking spaces may be reduced up to 40 percent of the

required number. The applicant must provide sufficient data and analysis to demonstrate the following:

- (1) There are no apparent deleterious effects upon the adjoining property owners;
- (2) The reduced parking will not have an adverse impact on the public health, safety and welfare;
- (3) The proposed use is not solely dependent on vehicular traffic; and
- (4) The vertical development on the property is within a quarter-mile radius from residentially zoned property and a cohesive sidewalk network is proposed or existing from the residentially zoned property to the on-site pedestrian walkway(s) or the property has 260 linear feet of frontage on a local road.

Sec. 33 -1521. Stormwater Management.

Surface water management systems must be provided and designed in accordance with South Florida Water Management District requirements. Innovative and urban stormwater management designs and techniques may be considered for addressing stormwater treatment requirements, including but not limited to porous pavement, treatment inlet boxes with skimmers or traps, subsurface basins for infiltration or detention, prefabricated multi-chamber water quality devices, green roofs, stormwater treatment mitigation, etc. All stormwater management designs and techniques must be certified by a Florida professional engineer or other appropriate professional registered under Chapters 471 or 481 F.S. competent in the fields of hydrology, drainage, and flood control. Submittals must include recorded documents creating a maintenance entity or, if under single ownership, a maintenance agreement and maintenance plan that includes a proposed maintenance schedule for each technique, identifying the timing of inspections and maintenance activities such as removing debris from inlet boxes, replacing filters, pumping out accumulated sediment, mechanical sweeping, etc.

Sec. 33 -1522. Open Space.

Commercial projects must provide a minimum 30 percent open space of which 10 percent must be public open space. If the maximum lot depth of 260 feet is provided, open space can be reduced to 20 percent with no requirement for public open space.

Sec. 33 -1523. Buffers.

All buffers must comply with section 10-416, except for the following:

- (a) Landscape buffers are not required between commercial uses.
- (b) If driveways and/or parking spaces are within 125 feet of a residential use a type F buffer per 10-416(c) must be provided.
- (c) Type D right-of-way buffers must have a minimum 10 foot width with 5 trees per 100 linear feet and a double staggered hedgerow.

Sec. 33 -1524. Live-Work Units.

- (a) Live-work units may be located in the State Route 80 Corridor Overlay District subject to the following:
 - (1) The work space must not exceed 50 percent of the total floor area of the unit. The use must be conducted entirely within the work unit.
 - (2) The minimum lot size is 7,500 square feet.
 - (3) The owner/occupant of a live-work unit must maintain a valid county local business tax receipt (f/k/a occupational license) for the business on the premises. Proof of payment of the annual local business tax will be required to be submitted to the Lee County Department of Community Development annually.
 - (4) Parking, based on the percentage of the total work floor area, will be based on the applicable parking standard for the work space. Up to, but not more than, one-half of the required number of parking spaces may be reduced as part of the administrative process, provided the request is supported by sufficient data and analysis to demonstrate the reduced parking would not create any negative impacts. If insufficient parking exists, the use will not be permitted unless otherwise approved by deviation or variance.
 - (5) Outdoor storage or display of materials, goods, supplies, equipment, or products associated with the business is prohibited.
 - (6) No equipment may be utilized which create noise, vibration, glare, fumes, odors, or electrical interference objectionable to the normal senses.

- (b) Uses. Live-work unit uses are limited to those uses permitted in the underlying zoning district or as approved in a schedule of uses for a planned development district. Uses permitted by special exception may be approved as a live-work unit use through the public hearing process set forth in Chapter 34.

Sec. 33-1525 through 33-1530. Reserved.

ARTICLE VIII. NORTH FORT MYERS PLANNING COMMUNITY

DIVISION 1. IN GENERAL

Sec. 33-1531 Applicability.

Scope. The provisions of this Article will apply to all development located in the North Fort Myers Community, as defined in Goal 28 of the Lee County Comprehensive Plan.

Sec. 33-1532. Community review.

- (a) Applications requiring review. The owner or agent applying for the following types of county approvals must conduct one publically advertised information session within the North Fort Myers Planning Community prior to obtaining approval or finding of sufficiency of the following:
- (1) Development orders. This includes all applications for development orders and Type 1, 2, 10 and 12 limited review development orders.
 - (2) Planned development zoning actions. This includes administrative deviations amending the approved master concept plan or other provisions of the zoning resolution.
 - (3) Special exception and variance requests.
 - (4) Conventional rezoning actions.
- (b) Meeting requirements. The applicant is responsible for providing the meeting space, providing notice of the meeting, and providing security measures as needed. The meeting location will be determined by the applicant. Meetings may, but are not required to, be conducted before non-county formed Boards, Committees, Associations, or Planning Panels. During the meeting, the agent will provide a general overview of the project for any interested citizens. 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 applicant is not required to receive an affirmative vote or approval of citizens present at the meeting.

Sec. 33-1533. Conflicting provisions.

If the provisions of this Article are inconsistent with provisions found in other adopted codes, ordinances, or regulations of the County, this Article will take precedence.

Sec. 33-1534. Existing planned development.

Existing approved master concept plans may be voluntarily brought into compliance with the North Fort Myers Plan (Lee Plan Goal 28) or any regulation contained in this Article through the administrative amendment process. No public hearing will be required if the sole intention is for existing planned developments to comply with these regulations. Notwithstanding, any request to change the zoning designation of a parcel must comply with the notice and hearing requirements under §125.66, F.S.

Sec. 33-1535. Deviations and variances.

If an applicant desires to deviate from any architectural, site design, landscaping, tree protection or signage guidelines in this Article an applicant may do so at the time of zoning or development order if permitted under Sec. 10-104. 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 and Zoning applications.

(a) If an applicant desires a deviation (as defined per LDC Sec. 34-2) from any architectural, site design, landscaping or signage guidelines in this Article an applicant may do so at the time of submission of a development order application in accordance with Land Development Code Sec. 10-104. 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 applications.

(b) If an applicant desires a variance (as defined per LDC Sec. 34-2) from any architectural, site design, landscaping or signage guidelines in this Article an applicant may do so in accordance with Land Development Code Sec. 34-145(b). A rendered drawing to scale, showing the design, and clearly demonstrating the nature of the requested variance must be submitted as part of the application for the variance.

Sec. 33-1536. Compact Communities.

Rezoning, zoning amendments, and planned development amendments within the centers and corridors listed in Chapter 32, Article VII, section 32-801, are limited to Compact Communities per Chapter 32. All development activities and zoning actions, with the exception of variances and special exceptions, must utilize the process and requirements of Chapter 32.

Sec. 33-1537. Definitions.

The following definitions are in addition to those set forth in other chapters of this LDC 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 LDC, then the definitions set forth below will take precedence. Otherwise the definitions contained elsewhere in this LDC will control.

Alley means a service roadway providing a secondary means of access to abutting property and not intended for general traffic circulation.

Apartment means a dwelling unit sharing a building and a lot with other dwellings and/or uses. Apartments may be for rent or for sale as condominiums.

Arcade means a series of columns that support a permanent roof over a sidewalk.

Attic means the area within the slope of a roof. An inhabited attic will not be considered a story for purposes of determining building height.

Building height means the vertical extent of a building measured in stories or feet including parking structures but not including a raised basement, habitable attic, masts, belfries, clock towers, chimney flues, steeples, water tanks, elevator bulkheads, rooftop stair enclosures and similar structures. (See Figure 1)

Casino style games/gambling means the wagering of money or something of material value on an event with an uncertain outcome with the primary intent of winning additional money and/or material goods. Casino style games includes, but may not be limited to: card games, slot machines, dice games, and other games of chance played within an establishment that supports the gambling on these games.

Casino means a public room or building for gambling and other entertainment.

Civic lands means only government owned publicly used land that is intended to remain in public uses and ownership.

Commercial Corridor means all commercially zoned properties with frontage on, or contiguous to and developed in conjunction with properties with frontage on, the following roadways within the North Fort Myers Planning Community:

- (a) U.S. 41/Cleveland Avenue
- (b) Old 41/Tamiami Trail
- (c) Pine Island/Bayshore Road
- (d) Hancock Bridge Parkway
- (e) Pondella Road

Density means the number of dwelling units permissible within a unit of land such as units per acre. (See Chapter 34, Division 12, of the LDC for the components and methods of calculating density).

Elevation means the exterior facades and other faces of a building including roof forms as seen from a side view.

Enfront means the placing of an element along a frontage line, as in "porches enfront the street."

Entrance, main/principal means the principal place of pedestrian entry to a building. In the support of pedestrian activity, the principal entrance will face the enfronting street rather than the parking.

Existing large lot residential subdivision means a residential subdivision where the minimum lot size is 14,520 square feet and is either existing or has been approved by Lee County as of [\(effective date of the North Fort Myers Lee County Land Development Code\)](#).

Facade means an exterior wall or elevation of a building that is set along a frontage line. Facades support the public realm and are subject to frontage requirements additional to those required of other elevations.

Frontage line means those lot lines that coincide with a public thoroughfare or a civic space. Those frontages on an "A" street (see "street grids") will be considered to be primary frontage lines. Facades along frontage lines define the public realm and are therefore more highly regulated than other elevations. For this reason, all frontage lines will meet the facade treatment requirements to the greatest extent possible.

High density or high intensity use means any use greater in intensity or density than a duplex or two-family attached residence (e.g., multi-family, mixed-use, and commercial uses).

Large Commercial means any commercial project with a building square footage of 20,000 or more.

Lot line means the boundary that legally demarcates a lot.

Mixed-use means a development, in a compact urban form, including residential and one or more different but compatible uses, such as but not limited to: office, industrial and technological, retail, commercial, public, entertainment, or recreation. These uses may be combined within the same building or may be grouped together in cohesive neighboring buildings with limited separation, unified form and strong pedestrian interconnections to create a seamless appearance. This is also known as horizontal mixed-use, whereby the development combines multiple single-use buildings within a single development parcel or site. (See Figure 2)

Mixed-use building means a building that contains at least two different land uses (i.e. commercial and residential, retail and residential, office and residential, commercial and civic use open to the public) that are related. This is also known as vertical mixed-use, whereby the mixed-use development combines different uses within the same building. Ancillary parking is usually not included as one of the elements of mixed-use.

Nonconforming use means an activity or structure which was lawful prior to the adoption of Article VIII.

Open space: There are various types of open spaces, which are herein defined as follows:

Public open space means space that is generally legally held in ownership in the public domain, such as street and alley rights-of-way, sidewalks (usually located within the rights-of-ways), civic spaces (such as plazas, piazzas, or town squares and greens), public parks, playgrounds, and other venues also held in public ownership and are open to the public.

Publicly accessible open space means open space that is open to the public and that is publicly accessible, but which ownership is NOT public (i.e., on private property). It is the type of open space found within the boundaries of a privately owned site within a project. It may include many of the same types of open spaces included in the definition of public open space such as streets (although private), walkways, plazas, parks, courtyards, and so on. Restrictions may apply as to times of use and occupants of use. Publicly accessible open space includes both green open space and urban open space as set forth below:

Green open space areas that are not occupied by any structures or impervious or semi-pervious surfaces. Natural and artificial water bodies are considered green open space but may be limited to the extent that they are considered publicly accessible.

Urban open space means portions of land areas that are covered by impervious or semi-permeable development paving or structures.

Parking structure means a building built for the purpose of enclosing parking.

Pedestrian-oriented business means a business that by its location and design generates and attracts customers who may be passing by or arriving on foot.

Porch means a roofed, open area, which may be screened, attached to or part of a building, and with direct access to or from it.

Residential means premises available for long-term habitation by means of ownership or rental but excluding short-term renting.

Stoop means a staircase on the façade of a building that leads either to a small unwallled entrance platform or directly to the main entry door.

Storefront or shopfront means the total physical exterior front face of a store or commercial use facing the street and usually contains the main entrance door and display windows, along with their transoms, sign bands, kickplates, and lighting. (See Figure 3)

Street furniture means objects that are constructed or placed above ground such as outdoor seating, kiosks, bus shelters, sculptures, tree grids, trash receptacles, fountains, and telephone booths, which have the potential for enlivening and giving variety to streets, sidewalks, plazas, and other outdoor spaces open to, and used by, the public. Street furniture elements also include such things as fire hydrants, tree grates and tree guards, planters, light fixtures, and signs. (See Figure 4)

Street grids means primary grid streets that will form a continuous, high quality pedestrian frontage are designated “A” streets. Secondary grid streets that will be permitted to maintain their automotive focus are designated “B” streets. (“A” streets have higher retail activity than “B” streets, e.g., “A” = gift shop, restaurant. “B” = insurance office.) It is the intent of this Article that properties fronting on “A” streets will have a higher level of regulation than “B” street properties.

Uses permitted means the uses accommodated by a building and its lot within the zoning districts of this Article. Uses are categorized as limited or open according to the intensity of the otherwise similar use.

Uses, water dependent means marinas, yacht clubs, customer passenger boating, charter boats, boat ramps, and any related feature.

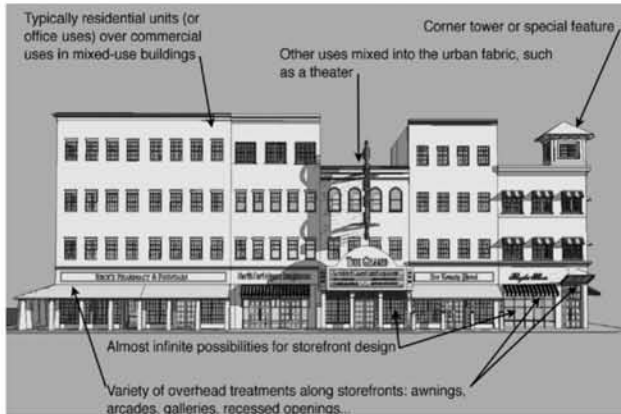


Figure 1 (s. 33-1537 – Building Height)

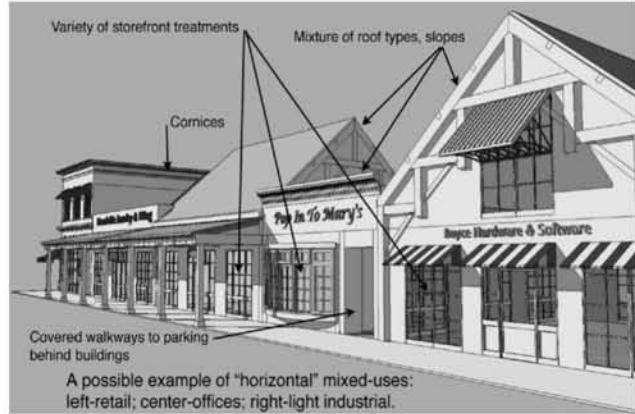


Figure 2 (s. 33-1537 – Mixed Uses)

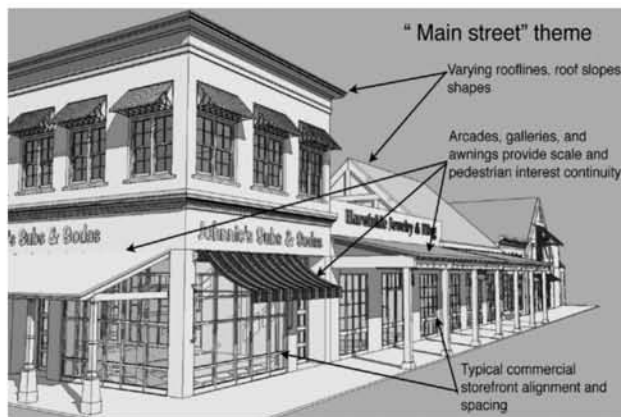


Figure 3 (s. 33-1537 – Storefront or Shopfront)



Figure 4 (s. 33-1537 – Street Furniture)

Sec. 33-1538 through 33-1540. Reserved.

DIVISION 2. NORTH FORT MYERS COMMUNITY WIDE LAND DEVELOPMENT PROVISIONS

Sec. 33-1541. Interface between existing large lot residential subdivisions and high density/intensity uses.

The following regulations apply to the location, operation, fencing, landscaping, and parking associated with high density or high intensity uses which abut existing large lot residential subdivisions within the North Fort Myers Planning Community.

Sec. 33-1542. Location and site standards.

Any structure other than a single-family, two-family attached or duplex or its associated accessory structure(s) must have a minimum setback of 50 feet between the nearest points on the building and/or structure (not including wing walls, overhangs, shutters, awnings and canopies) and an existing large lot residential subdivision.

Sec. 33-1543. Landscaping.

The following requirements for landscaping adjacent to all residential property lines are in addition to the requirements set forth in sec. 10-416:

- (a) Landscape buffers for high density or high intensity development abutting a subdivided lot in an existing large lot residential subdivision must utilize, at a minimum, a 30-foot buffer width.
- (b) Landscaped berms without walls may be used for multi-family development abutting an existing large lot residential subdivision.
 - (1) If a berm is used it must be constructed and maintained at a minimum average height of four feet, no steeper than a 4:1 slope. The berm must be planted with a combination of groundcovers (other than sod), shrubs, hedges, trees and palms. Plantings must cover a minimum of 50% of the total square footage of the berm.
- (c) 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 buffer must be limited to areas adjacent to vehicular access points, as appropriate, for sight clearances. 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., Bismarkia spp. and Phoenix spp. (not including robellini), which may be planted one palm per cluster. A maximum spacing of 25 feet between all types of tree clusters must be maintained (25 feet from the closest tree in one cluster to the closest tree in another cluster).
- (d) All required shrubs must be a minimum of ten gallon, four feet in height with a three-foot spread, planted four feet on center at installation.

Sec. 33-1544. Entrances, exits, and parking spaces.

Vehicular entrances and exits are permitted within the 50-foot setback between the high density or high intensity use building and the required 30-foot landscape buffer. Parking spaces, which are not loading, unloading or servicing the high density or high intensity use, may be placed within the 50-foot setback and may encroach a maximum of 20' into the 50-foot setback which is not occupied by any high density or high intensity use building or structure.

Sec. 33-1545. Deviations.

The DCD Director or designee may grant a deviation through the Administrative Amendment process to part or all of the requirements set forth in Sec. 33-1542 if it is

demonstrated by the applicant that the site proposed for development of high density or high intensity use is separated from the existing large lot residential subdivisions by natural or manmade boundaries, structures, or other features that offset or limit the necessity for such minimum setback requirements.

A community review meeting per Sec. 33-1532(b) of this code may be required at the discretion of the DCD Director or designee for approval of a variance and/or setback request.

The DCD Director or designee's decision to waive part or all of the setback requirements must be based, in part, upon whether or not the nature and type of natural or manmade boundary, structure, or other feature lying between the proposed commercial use and a residential lot or subdivision is determined by the DCD Director or designee to lessen the impact of the proposed commercial use. Such boundary, structure or other feature may include, but is not limited to, lakes, marshes, non-developable wetlands, designated preserve areas, canals and a minimum of a four-lane arterial or collector right-of-way or other physical feature of similar nature or scale so as to achieve the intent of the requirements. The Director's decision is discretionary. If a request for a variance or deviation is denied, the applicant must go through the Public Hearing process under §34-145, LDC.

Any other variance or deviation must go through the process outlined in Sec. 34-145.

Sec. 33-1546. Accessory apartments.

The requirements for accessory apartments are as set forth in Sec. 34-1177, except the following; *Detached apartments*. If the accessory apartment is not constructed as part of the main dwelling unit, the maximum floor area will be no greater than 700 square feet.

Sec. 33-1547. Special exception uses.

The following uses, when listed as permitted or special exception uses in Chapter 34, will be allowed within the North Fort Myers Community only as a Special Exception and will be subject to the following additional condition:

- (a) Bars, Nightclubs and Cocktail Lounges not subordinate to Hotels or Restaurants;
- (b) Pawn Shops;
- (c) Casino Style Gaming;
- (d) Gambling Establishments.

Said use(s) must not be located closer than 500 feet, measured in a straight line from any public school or charter school; child care center; park, playground, or public recreation facility; place of worship or religious facility; cultural center, or hospital.

Sec. 33-1548. Interconnections and shared access for new development and redevelopment.

Commercial and mixed-use development adjacent to one another must provide interconnections for automobile, bicycle and pedestrian traffic. These regulations apply to new development or redevelopment involving alteration of, or the addition of building square footage, equal to 30% or more of existing square footage. Interconnects between parking lots are not intended to satisfy the criteria for site location standards outlined in Policy 6.1.2(5) of the Lee Plan.

Sec. 33-1549 through 33-1565. Reserved.

DIVISION 3. COMMERCIAL CORRIDOR LAND DEVELOPMENT PROVISIONS

SUBDIVISION I. IN GENERAL

Sec. 33-1566. Applicability.

Scope. The provisions of Division 3 apply to all commercially zoned properties with frontage on, or contiguous to and developed in conjunction with properties with frontage on, the following roadways within the North Fort Myers Planning Community:

- (a) U.S. 41/Cleveland Avenue
- (b) Old 41/Tamiami Trail
- (c) Pine Island/Bayshore Road
- (d) Hancock Bridge Parkway
- (e) Pondella Road

EXCEPT that areas located within Neighborhood Centers, the Town Center, or within Commercial Corridors that are designated Mixed Use Overlay on the Special Treatment Areas Map, Lee Plan Map 1, Page 6 of 6.

Sec. 33-1567 through 33-1570 Reserved.

SUBDIVISION II. DESIGN STANDARDS FOR COMMERCIAL CORRIDORS

Sec. 33-1571. Property Development Regulations.

- (a) Minimum Building setbacks.

(1) Side setback. Except as may be necessary to meet the landscaped buffer requirements of Sec. 33-1581, no minimum building setback from side property lines is required; but, if a setback is provided it must not be less than five feet.

(2) Rear setback. Except as may be necessary to meet the landscaped buffer requirements of Sec. 33-1581, no minimum building setback from the rear property line is required.

(3) Setback from man-made lakes or waterways must be at least 20 feet.

Sec. 33-1572. Publicly-accessible open space.

In addition to the meeting the requirements of Sec. 10-415, all commercial and mixed-use projects are required to provide publicly-accessible open space that meets the following standards:

(a) Not less than 10% of the land area of a development with 40,000 square feet or more of nonresidential floor area must be devoted to publicly-accessible open space.

(b) On parcels of more than 20,000 square feet, urban open space must not comprise greater than 50% of the land area required for publicly accessible open space.

(c) Publicly-accessible open space required of multiple individual developments may be consolidated into one centralized open space subject to the following requirements:

(1) The publicly-accessible open space will be developed by one entity. One entity will be defined as either a single owner or a group of owners which form a legal partnership for the purpose of consolidating their open space requirements.

(2) Consolidated publicly-accessible open space will be developed and open for use prior to issuance of the first certificate of occupancy of the building or buildings for which the open space is required.

(3) Provisions for the maintenance of the open space will be determined and documented in a written agreement with the county prior to the issuance of the first certificate of occupancy.

Sec. 33-1573. Parking.

The following requirements are in addition to the Parking Regulations in Sections 34-2011 to 34-2022:

(a) Location.

- (1) Building siting and parking design must incorporate pedestrian and vehicular circulation between adjacent sites, such as joint access easements, common driveways and vehicular interconnects between properties.
- (2) Parking areas will provide bicycle parking spaces that are located close to the buildings and do not impede pedestrian or auto circulation. Bicycle areas will be located in areas which are clearly visible to site users. The design and materials will be coordinated with the site and building design.

(b) Distribution. All outdoor parking areas with greater than 51 spaces must be divided into smaller units or pods to decrease visual impacts associated with large expanses of pavement and vehicles, and to facilitate safe and efficient pedestrian movement between parking and development.

(c) Access Drives.

- (1) Building siting and parking design must maximize shared parking, access entries and driveways in order to minimize the number of curb cuts.
- (2) Commercial development adjacent to commercial, mixed-use, or multi-family development must provide interconnections for automobile, bicycle and pedestrian traffic.

(d) Internal Circulation. The following requirements are in addition to the requirements of Sec. 10-610(d):

- (1) Large commercial and mixed-use developments must include at least one separated pedestrian walkway through the parking area to the main entrance.
- (2) Sidewalks or pedestrian walkways must connect the on-site pedestrian systems to pedestrian systems on adjacent properties.
- (3) Pedestrian walkways and spaces must include at least three of the following elements:
 - a. Special paving materials, such as specialty pavers, colored concrete or stamped concrete patterns.
 - b. Landscaping in compliance with Sec. 10-416(d)(11). Pedestrian walkways may be incorporated within a required landscape perimeter buffer and walkways must include 1 tree per 25 linear feet of walkway.

Trees required for internal use (i.e. parking) or general trees may be used to fulfill this requirement. Tree heights and standards must be in compliance with Sec. 10-420.

c. Pedestrian walkways may be incorporated within a required landscape perimeter buffer, in compliance with Sec. 10-416(d)(11).

d. Pedestrian-scaled lighting.

e. Seating.

f. Trash receptacles.

g. Primary circulation paths designed to avoid steps or level changes which pose potential tripping hazards and which design facilitates circulation for all potential users, including strollers and wheelchairs.

(4) Parking areas for all retail, office, and mixed-use developments must provide bicycle parking spaces as required by Sec 10-610(e)(3).

(5) Where walkways cross traffic lanes, special design features must be used to increase safety for the pedestrian. These features may include raised or textured pavement, curb extensions to narrow the travel lane or low-level lighting.

(6) Illumination of walkways must be concentrated along the pedestrian paths leading to parking areas and in the specific areas where cars are parked.

(e) Shared Parking

(1) Shared parking is encouraged and, when in mixed-use situations, can result in a reduction in the number of required parking spaces. The calculation of the shared parking factor and resulting number of parking spaces required is shown in Figure 5. The shared parking factor is the number located at the intersection of the two uses. For example, the factor for shared parking between a residential use and an office use is 1.4. The final parking requirement for a mixed-use project is calculated by dividing the number of parking spaces required under Sec. 34-2020 by the shared parking factor.

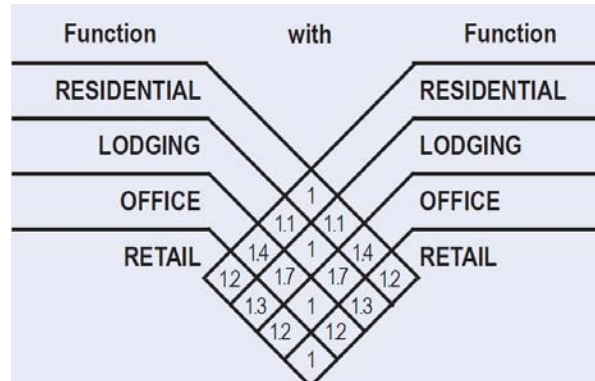


Figure 5 (s. 33-1573(e)(1))

- (2) Shared parking lots must be within 200 feet of each use. Shared parking lots may not be separated from the use by a street right-of-way or easement exceeding 25 feet in width.
- (3) Except for mixed-use situations as provided in subsection (1), no part of a parking lot used, designed or intended to satisfy required parking for any use may be used to offset the parking requirements for another use unless the peak parking demands of the uses occur at different times.
- (f) Garages. Sixty percent of the primary facade of a parking garage must incorporate the following:
 - (1) Where pedestrian oriented businesses are located along the facade of the parking structure, they must contain transparent windows, with clear or lightly tinted glass, or display windows; or,
 - (2) Where there are no pedestrian oriented businesses located along the facade of the parking structure, provide decorative metal grille-work; or similar detailing, which provides texture and partially or fully covers the parking structure openings; or vertical trellis or other landscaping; or a pedestrian plaza area. Planting areas must be a minimum of three feet in width and vertical trellises must be at least three feet in height.
 - (3) All aesthetic improvements must commence on the 1st floor.
- (g) Parking reduction.
 - (1) The required number of off-street parking spaces may be reduced by administrative amendment, deviation or variance by up to 25 percent when supported by sufficient data and analysis to demonstrate that the reduced parking would result in no negative impacts.
 - (2) In order to encourage preservation of large trees, the required number of off-street parking spaces may be reduced administratively by up to 15

percent of the required number of parking spaces. This reduction may be in addition to any reduction granted under subsection (1).

Sec. 33-1574. Transit facilitation.

Access to public transportation must be provided, if applicable. The following examples are design techniques that may be used to meet this requirement:

- (a) Accommodate public transportation vehicles on the road network that services the development.
- (b) For streets adjacent to a development, provide sidewalks and other pedestrian facilities such as bus shelters.
- (c) Provide a convenient and safe access between building entrances and a transit or bus area, such as walkways or painted pedestrian crosswalks.
- (d) Pedestrian walkways provided for each public vehicular entrance to a project, excluding ingress and egress points intended primarily for service, delivery or employee vehicles.
- (e) Sidewalks or pedestrian ways must connect the on-site pedestrian systems to pedestrian systems on adjacent developments.
- (f) Where walkways cross traffic lanes, special design features must be used to increase safety for the pedestrian. Potential design features include: raised or textured pavement, curb extensions to narrow the travel lane or low-level lighting, such as a bollard light.

SUBDIVISION III. URBAN DESIGN GUIDELINES.

Sec. 33-1575. Applicability.

In addition to the requirements of Sec. 10-620, all proposed commercial, public and vertical and horizontal mixed-use buildings or development must blend with and complement, where appropriate architectural features of adjacent structures constructed under these standards.

Sec. 33 -1576. Architectural standards.

- (a) *Architectural Style.* The design of all commercial, public and mixed-use buildings within a North Fort Myers Commercial Corridor must comply with the following standards and be compatible with Florida Traditional Styles. The preferred architectural styles for commercial, public and mixed-use development in the Commercial Corridors include a mixture of Old Florida, Key West, Colonial, Caribbean and other styles of architecture that are deemed

compatible with or complementary to these styles. Distinct vernacular styles should be displayed through the inclusion of roof overhangs and brackets, porches, decorative columns, galleries, arcades, and pitch roofs (where applicable).

(b) Exterior treatment.

- (1) Windows will be clear glass, and must transmit at least 50 percent of visible daylight.
- (2) Pitched roofs, if provided, will be symmetrically sloped no less than 4:12, except that porches may have attached shed type roofs with slopes no less than 2:12.
- (3) "Flat roofs" will be fully enclosed by parapets a minimum of 42 inches high or as required to conceal HVAC equipment to the satisfaction of the director.
- (4) Openings above the first story will not exceed 50 percent of the total building wall area, with each facade being calculated independently.
- (5) The facades on A Streets will be detailed as storefronts and glazed no less than 70 percent of the sidewalk-level story. The facades on office frontages will be glazed no less than 25 percent of the sidewalk-level story.
- (6) Open porches, stoops, balconies, awnings and bay windows may encroach into any setback up to the right-of-way line, if not prohibited by an easement.
- (7) Openings, including porches, galleries, and windows will be square or vertical in proportion.
- (8) Sliding doors are prohibited on the ground floor along frontage lines.
- (9) In addition to the requirements of section 10-620(c), projects must use architectural elements and articulation on building exteriors to reduce the bulk of buildings. Buildings must be designed to be visually appealing from all directions and must include at least three of the following methods of providing architectural relief:
 - a. Recessed or defined entryways;
 - b. Varying rooflines, pitches, and shapes;
 - c. Dormers, balconies, porches, and staircases;
 - d. Display windows that provide visibility into the building interior;

- e. Overhangs, awnings, and marquees; or and
- f. Features such as cornices, articulated roof parapets, porticos, towers, or other details that alter building height.

(c) Examples of character and styling that emulate architectural features and materials that are associated with or compatible to the Florida Traditional and other acceptable and compatible architectural styles:

Key West or Cracker Style



Figure 6 (s. 33-1576(c))

Caribbean Style



Figure 7 (s. 33-1576(c))

Colonial Style



Figure 8 (s. 33-1576(c))



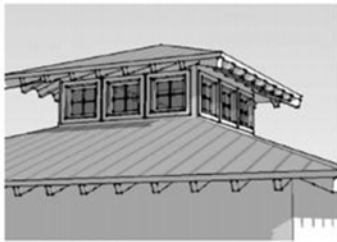
A - Corner Tower & Parapet



B - Gallerie, Awnings & Storefront



C - Parapet, Awnings & Windows



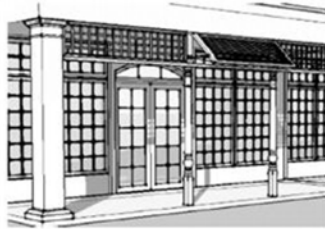
D - Monitor



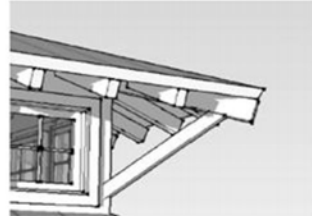
E - Double Sloped Roof



F - Gable End



G - Bahama Shutter & Grills



H - Outriggers



I - Sloped Roof & Arcade



J - Arcade & Brackets

Figure 9 (s. 33-1576(c))

Secs. 33-1577 through 33-1580. Reserved.

SUBDIVISION IV.

Sec. 33-1581. Landscaping buffers, pedestrian linkages, and street furniture.

The following buffer table will be used instead of Sec. 10-416(d)(3)&(4):

Table 1: Buffer Requirements

		<u>PERMITTED OR EXISTING USE</u>										
<u>PROPOSED USE</u>		<u>SF-R</u>	<u>MF-R</u>	<u>COM</u>	<u>ROW</u>	<u>IND</u>	<u>STP</u>	<u>AG</u>	<u>WOR</u>	<u>REC</u>	<u>PRE⁴</u>	
	<u>COM</u>	<u>C/F¹</u>	<u>C/F¹</u>	<u>A²</u>	<u>D³</u>	<u>A</u>	<u>-</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>F</u>
	<u>WOR</u>	<u>B</u>	<u>B</u>	<u>A</u>	<u>D³</u>	<u>A</u>	<u>A</u>	<u>C/E</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>F</u>
	<u>IND</u>	<u>E</u>	<u>E</u>	<u>B</u>	<u>D</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>B</u>	<u>-</u>	<u>F</u>	
	<u>STP</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>C</u>	<u>C/E</u>	<u>A</u>	<u>C/E</u>	<u>C</u>	<u>-</u>	<u>F</u>	
	<u>REC</u>	<u>C/F</u>	<u>A</u>	<u>A</u>	<u>D</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>A</u>	<u>F</u>	<u>F</u>	
	<u>PRE</u>	<u>F</u>	<u>F</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>F</u>	<u>-</u>	

Notes:

1. Commercial projects that are part of mixed-use developments, as defined in Sec. 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 reduced to not less than 10 feet if the proposed building setback is within 25 feet of the right-of-way. This is not intended to allow for a reduction in general tree requirements or building perimeter planting requirements.
4. Required buffer must be 100% native.

Table 2: Buffer Types (per 100 linear feet)¹

<u>Buffer Types</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>
<u>Minimum Width in Feet</u>	<u>5</u>	<u>15</u>	<u>20</u>	<u>20</u>	<u>30</u>	<u>50</u>
<u>Minimum # of Trees</u>	<u>4</u>	<u>5</u>	<u>10</u>	<u>5⁴</u>	<u>10</u>	<u>15</u>
<u>Minimum # of Shrubs</u>	<u>-</u>	<u>Hedge³</u>	<u>30</u>	<u>Hedge³</u>	<u>30</u>	<u>Hedge³</u>
<u>Wall Required²</u>	<u>-</u>	<u>-</u>	<u>8 feet high solid</u>	<u>-</u>	<u>8 feet high solid</u>	

Notes:

1. All landscape buffer designs will complement adjacent project buffers to help aid in

establishing a continuous landscape theme within the North Fort Myers Community. The use of plant material indigenous to, and consistent with, existing vegetation within the North Fort Myers Community is recommended.

2. A solid berm, or wall and berm combination, must be 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, the effective plant screen must be installed at an elevation of at least 24-inches and grow to and be maintained at an elevation of 36-inches as measured from the highest elevation within the buffer area resulting from the combination of the berm and/or plants. Clustering of shrubs that would not create a continuous visual screen, but add interest to the landscape design, is allowed on a review basis by Environmental Sciences 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. 33-1582. Tree Preservation.

- (a) In addition to the requirements to 10-415(b) all projects with existing native trees must be preserved regardless of project size as follows:
 - (1) All development projects must be clustered to preserve open spaces.
 - (2) Preservation of indigenous tree clusters is preferred over individual tree protection. Reasonable efforts to retain individual trees must be made. It is recognized that site design requirements (e.g. fill) may limit the ability to retain some individual trees, and in that case the County will allow the removal of those trees.
 - (3) Healthy sabal palms with 8-foot clear trunk must be relocated in a manner that utilizes appropriate horticultural practices in accordance with Lee County Extension Services brochure Lee 8/2000A and clustered within

open space areas.

- (4) Native trees (4 to 15-inch caliper dbh) may be relocated to open space areas when proper horticultural methods (e.g. root pruning; use of anti-transpirants) are utilized to insure the survivability of the trees, and a vegetation removal permit is obtained.
 - (5) Effort must be made to preserve heritage trees with at least a 20-inch caliper dbh, including but not limited to live oak, South Florida slash pine, or longleaf pine. If a heritage tree must be removed from a site then a replacement tree with a minimum 20-foot height must be planted within an appropriate open space area.
 - (6) Native tree preservation must incorporate techniques as established in section 10-420 (j).
 - (7) Surface water management systems may overlap with native tree preservation areas only where it can be clearly demonstrated that the effects of water management system construction or operation will not cause death or harm to the preserve tree and indigenous plant community of protected species.
- (b) Infrastructure design must integrate existing trees and the natural character of the land to the greatest extent feasible.

Sec. 33-1583. Pedestrian walkways/linkages.

The following requirements are in addition to the requirements of Sec. 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, 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 will be applied:
 - (1) Incorporate cross-site pedestrian connections within projects.
 - (2) Define walkways with vertical plantings, such as trees or shrubs, not just sod or ground cover which are horizontal plantings. Pedestrian walkways may be incorporated within a required landscape perimeter buffer, in

compliance with Sec. 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) Where walkways cross traffic lanes, special design features must be used to increase safety for the pedestrian. Potential design features include: raised or textured pavement, curb extensions to narrow the travel lane or low-level lighting, such as a bollard light.
- (f) Sidewalks or bikeways must be installed along all project frontage roads, and must be separated from the edge of pavement by a minimum four-foot wide planting strip.
- (g) Pedestrian paths located on medians and through landscaped areas must have durable, all weather surfaces to reduce wear on landscaped areas.

Sec. 33-1584. Street furniture and public amenities.

- (a) Street furniture is an element constructed or placed above ground such as outdoor seating or benches, kiosks, bus shelters, sculptures, trash receptacles, fountains, and telephone booths, which have the potential for enlivening and giving variety to streets, sidewalks, plazas, and other outdoor spaces open to, and used by, the public. Street furniture elements also include such things as tree grates and tree guards, planters, light fixtures, and signs. All street furniture elements are considered fixed, that is, stationary.
- (b) All accessories and street furniture such as railings, trash receptacles and bicycle parking spaces must complement the building design and style.
- (c) Street furniture must be incorporated into the development site by providing a minimum of 3 amenities for every 1,500 square feet of publicly accessible open space.

Secs. 33-1585 through 33-1590. Reserved.

SUBDIVISION V. INCENTIVES

Secs. 33-1591 through 33-1595. Reserved.

SUBDIVISION VI. USE REGULATIONS

Sec. 33-1596. Use Regulations.

<u>USE DESCRIPTION</u>	<u>SPECIAL NOTES OR REGULATIONS</u>	<u>COMMERCIAL CORRIDOR</u>
<u>Accessory apartment</u>	<u>Note (1) & (25), 34-1177</u>	<u>P</u>
<u>Administrative offices</u>	-	<u>P</u>
<u>Aircraft landing facilities, private:</u> <u>Lawfully existing:</u>	-	-
<u>Expansion of aircraft landing strip, helistop or heliport landing pad</u>	<u>34-1231 et seq.</u>	<u>SE*</u>
<u>New accessory buildings</u>	<u>34-1231 et seq.</u>	<u>P</u>
<u>Aircraft landing facilities, private:</u> <u>New:</u>	-	-
<u>Aircraft landing strip and ancillary hangars, sheds and equipment</u>	-	-
<u>Heliport</u>	-	-
<u>Helistop</u>	<u>34-1231 et seq.</u>	<u>SE*</u>
<u>Animals, Keeping and breeding of Class I or Class II(df)</u>	-	-
<u>Amateur radio antennas and satellite earth stations when accessory to an existing principal use</u>	-	<u>Refer to 34-1175 for regulations</u>
<u>Amusement park, less than ten acres</u>	-	-
<u>Animals:</u>	-	-
<u>Clinic</u>	<u>34-1321 et seq.</u>	<u>P</u>
<u>Kennel</u>	<u>34-1321 et seq.</u>	<u>P</u>
<u>Control center (including Humane Society)</u>	-	<u>SE*</u>
<u>Assisted living facility</u>	<u>Note (9), (29), 34-1411 et seq.</u>	<u>P</u>
<u>ATM (automatic teller machine)</u>	-	<u>P</u>
<u>Auto parts store+A41:</u>	-	-
<u>No installation service</u>	<u>34-1351</u>	<u>P</u>
<u>With installation service</u>	<u>34-1351, 34-1353</u>	<u>P</u>
<u>Automobile repair and service, (34-</u>	-	-

<u>622(c)(2):</u>		
<u>Group I</u>	<u>34-1351, 34-1353</u>	<u>P</u>
<u>Group II</u>	<u>34-1351, 34-1353</u>	<u>P</u>
<u>Automobile service station</u>	<u>Note (34), 34-1351, 34-1353</u>	<u>P</u>
<u>Bait and tackle shop</u>	<u>Note (33)</u>	<u>P</u>
<u>Banks and financial establishments (34-622(c)(3)):</u>	-	-
<u>Group I</u>	-	<u>P</u>
<u>Group II</u>	-	<u>P</u>
<u>Bar, cocktail lounge or nightclub as an accessory use to a hotel or restaurant</u>	<u>34-1201 et seq., 34-1261 et seq.</u>	<u>AA/SE*</u>
<u>Bar, cocktail lounge or nightclub (freestanding)</u>	<u>34-1201 et seq., 34-1261 et seq.</u>	<u>SE**</u>
<u>Bed and breakfast (df)</u>	<u>Note (25), 34-1494</u>	<u>P</u>
<u>Boarding house</u>	<u>Note (25)</u>	<u>P</u>
<u>Boats:</u>	-	-
<u>Boat parts store</u>	-	<u>P</u>
<u>Boat ramp</u>	-	<u>P</u>
<u>Boat rental</u>	-	<u>P</u>
<u>Boat repair and service</u>	-	-
<u>Boat sales</u>	-	<u>P</u>
<u>Boat storage, dry, not exceeding 18 feet above grade</u>	<u>Note (32)</u>	<u>SE*</u>
<u>Boat storage, dry, exceeding 18 feet above grade</u>	<u>Note (32)</u>	<u>SE*</u>
<u>Broadcast studio, commercial radio and television</u>	<u>34-1441 et seq.</u>	<u>P</u>
<u>Building materials sales (34-622(c)(4))</u>	-	<u>P</u>
<u>Business services (34-622(c)(5)):</u>	-	-
<u>Group I</u>	-	<u>P</u>
<u>Group II</u>	-	<u>P</u>
<u>Bus station/depot</u>	<u>34-1381 et seq.</u>	<u>P</u>
<u>Caretaker's residence</u>	<u>Note (30)</u>	<u>SE*</u>
<u>Car wash</u>	<u>34-1353</u>	<u>P</u>
<u>Cleaning and maintenance services (34-622(c)(7))</u>	-	<u>P</u>
<u>Clothing stores, general (34-</u>	-	<u>P</u>

<u>622(c)(8))</u>		
<u>Clubs:</u>	-	-
<u>Country</u>	-	<u>P</u>
<u>Commercial</u>	-	<u>P</u>
<u>Fraternal</u>	<u>34-2111</u>	<u>P</u>
<u>Membership organization</u>	<u>34-2111</u>	<u>P</u>
<u>Private</u>	-	<u>P</u>
<u>Cold storage warehouse and processing plant (including precooling)</u>	-	-
<u>Commercial fishery</u>	-	-
<u>Communication facility, wireless</u>	<u>Refer to 34-1441 et seq. for regulations.</u>	<u>P</u>
<u>Community residential home</u>	<u>Note (29)</u>	<u>P</u>
<u>Consumption on premises</u>	<u>34-1261 et seq., Note (33)</u>	<u>Refer to bars, cocktail lounges, and nightclubs</u>
<u>Contractors and builders, (34-622(c)(9)):</u>	-	-
<u>Group I</u>	-	<u>P</u>
<u>Group II</u>	-	<u>P</u>
<u>Group III</u>	-	<u>SE*</u>
<u>Convenience food and beverage store</u>	<u>34-1353</u>	<u>P</u>
<u>Cultural facilities (34-622(c)(10))</u>	-	<u>P</u>
<u>Day care center, adult, child</u>	<u>Note (25)</u>	<u>P</u>
<u>Department store</u>	-	<u>P</u>
<u>Dormitory</u>	<u>Note (25)</u>	<u>P</u>
<u>Drive-through facility for any permitted use</u>	-	<u>P</u>
<u>Drugstore, pharmacy</u>	-	<u>P</u>
<u>Dwelling unit:</u>	-	-
<u>Duplex</u>	<u>Note (25) & (35)</u>	<u>EO</u>
<u>Single-family</u>	<u>Note (26)</u>	<u>EO</u>
<u>Two-family attached</u>	<u>Note (25) & (35)</u>	<u>EO</u>
<u>Townhouse</u>	<u>Note (25)</u>	<u>P</u>
<u>Mobile home</u>	-	-
<u>Multiple-family building</u>	<u>Note (25)</u>	<u>P</u>

<u>Entrance gates and gatehouse</u>	<u>34-1748</u>	<u>P</u>
<u>Emergency operations center</u>	-	<u>P</u>
<u>EMS, fire or sheriff's station</u>	<u>Note (33)</u>	<u>P</u>
<u>Essential services</u>	<u>34-1611 et seq.</u>	<u>P</u>
<u>Essential service facilities, (34-622(c)(13)): Group I</u>	<u>34-1611 et seq.</u>	<u>P</u>
<u>Excavation:</u>	-	-
<u>Mining</u>	-	-
<u>Water retention</u>	<u>34-1651 et seq.</u>	<u>P</u>
<u>Oil or gas</u>	-	-
<u>Farm equipment, sales, storage, rental or service</u>	-	<u>P</u>
<u>Feed or fertilizer, mixing and sales</u>	-	<u>P</u>
<u>Fish house, wholesale</u>	-	-
<u>Flea market:</u>	-	-
<u>Open</u>	-	<u>EO</u>
<u>Indoor</u>	-	<u>P</u>
<u>Food and beverage service, limited</u>	-	<u>SE*</u>
<u>Food stores (34-622(c)(16)):</u>	-	-
<u>Group I</u>	<u>Note (33)</u>	<u>P</u>
<u>Group II</u>	-	<u>P</u>
<u>Fraternity house</u>	-	-
<u>Freight and cargo handling establishments (34-622(c)(17))</u>	-	-
<u>Funeral home or mortuary:</u>	-	-
<u>No cremation</u>	-	<u>P</u>
<u>With cremation</u>	-	<u>P</u>
<u>Gambling establishments and casino style gaming</u>	-	<u>SE**</u>
<u>Gasoline dispensing system, special</u>	-	-
<u>Hardware store</u>	-	<u>P</u>
<u>Health care facility (34-622(c)(20)):</u>	-	-
<u>Group I (less than 50 beds)</u>	-	-
<u>Group II (less than 50 beds)</u>	-	-
<u>Group III</u>	-	<u>P</u>
<u>Group IV</u>	-	-

<u>Heliport or helistop</u>	-	<u>See aircraft landing facilities, private.</u>
<u>Hobby, toy and game shops, (34-622(c)(21))</u>	-	<u>P</u>
<u>Home care facility</u>	<u>Note (25)</u>	<u>P</u>
<u>Home occupation:</u>	-	-
<u>No outside help</u>	<u>Note (27), 34-1771 et seq.</u>	<u>P</u>
<u>With outside help</u>	<u>Note (27), 34-1771 et seq.</u>	<u>AA</u>
<u>Hotel/motel</u>	<u>Note (31), 34-1801 et seq.</u>	<u>P</u>
<u>Household and office furnishings, (34-622(c)(22)):</u>	-	-
<u>Group I</u>	-	<u>P</u>
<u>Group II</u>	-	<u>P</u>
<u>Group III</u>	-	<u>P</u>
<u>Impound yard</u>	-	-
<u>Insurance companies (34-622(c)(23))</u>	-	<u>P</u>
<u>Laundromat</u>	-	<u>P</u>
<u>Laundry or dry cleaning, (34-622(c)(24)):</u>	-	-
<u>Group I</u>	-	<u>P</u>
<u>Group II</u>	-	-
<u>Lawn and garden supply store</u>	<u>34-2081</u>	<u>P</u>
<u>Library</u>	<u>Note (25)</u>	<u>P</u>
<u>Maintenance facility (government)</u>	-	<u>P</u>
<u>Manufacturing of:</u>	-	-
<u>Apparel products (34-622(c)(1))</u>	-	<u>EO</u>
<u>Dairy products (SIC 202 only)</u>	-	<u>EO</u>
<u>Electrical machinery and equipment (34-622(c)(11))</u>	-	<u>EO</u>
<u>Fabricated metal products</u>	-	<u>EO</u>
<u>(34-622(c)(14)), group III</u>	-	<u>EO</u>
<u>Food and kindred products</u>	-	<u>EO</u>
<u>(34-622(c)(15)), group III</u>	-	<u>EO</u>
<u>Leather products</u>	-	<u>EO</u>

<u>(34-622(c)(25)), group II</u>	-	<u>EO</u>
<u>Lumber and wood products</u>	-	<u>EO</u>
<u>(34-622(c)(26)), group II</u>	-	<u>EO</u>
<u>Measuring, analyzing and controlling instruments (34-622(c)(28))</u>	-	<u>EO</u>
<u>Novelties, jewelry, toys and signs (34-622(c)(29)), all groups</u>	-	<u>EO</u>
<u>Rubber and plastic products, (34-622(c)(44)), group II</u>	-	<u>EO</u>
<u>Marina</u>	<u>34-1862</u>	<u>EO</u>
<u>Marina, ancillary uses</u>	-	<u>EO</u>
<u>Mass transit depot or maintenance facility (government-operated)</u>	-	<u>SE*</u>
<u>Medical office</u>	-	<u>P</u>
<u>Mobile home dealers</u>	<u>34-1352</u>	<u>SE*</u>
<u>Model:</u>	-	-
<u>Home</u>	<u>34-1951 et seq.</u>	<u>P</u>
<u>Unit</u>	<u>34-1951 et seq.</u>	<u>P</u>
<u>Display center</u>	<u>34-1951 et seq.</u>	<u>P</u>
<u>Multislip docking facility</u>	-	<u>P</u>
<u>Nightclubs</u>	<u>34-1201 et seq., 34-1261 et seq.</u>	<u>Refer to bars, cocktail lounges, and nightclubs</u>
<u>Nonstore retailers (34-622(c)(30)), all groups</u>	-	<u>P</u>
<u>Package store</u>	<u>34-1261 et seq.</u>	<u>P</u>
<u>Paint, glass and wallpaper</u>	-	<u>P</u>
<u>Parks (34-622(c)(32))</u>	-	-
<u>Group I</u>	-	<u>P</u>
<u>Group II</u>	-	<u>SE*</u>
<u>Parking lot:</u>	-	-
<u>Accessory</u>	-	<u>P</u>
<u>Commercial</u>	-	<u>SE*</u>
<u>Garage, public parking</u>	-	<u>SE*</u>
<u>Temporary</u>	<u>Note (14), 34-3049</u>	<u>P</u>
<u>Pawn shop</u>	-	<u>SE*</u>

<u>Personal services (34-622(c)(33)):</u>	-	-
<u>Group I</u>	-	<u>P</u>
<u>Group II</u>	-	<u>P</u>
<u>Group III</u>	-	<u>P</u>
<u>Group IV</u>	-	<u>P</u>
<u>Pet services</u>	-	<u>P</u>
<u>Pet shop</u>	-	<u>P</u>
<u>Pharmacy</u>	-	<u>P</u>
<u>Place of worship</u>	<u>Note (25), 34-2051</u>	<u>P</u>
<u>Plant nursery</u>	<u>34-2081</u>	<u>P</u>
<u>Post office</u>	-	<u>P</u>
<u>Printing and publishing, (34-622(c)(36))</u>	-	<u>SE*</u>
<u>Processing and warehousing</u>	-	<u>EO</u>
<u>Produce stand</u>	-	-
<u>Racetracks (34-622(c)(37)): Groups I and II</u>	-	-
<u>Recreation, facilities: Commercial (34-622(c)(38))</u>	-	-
<u>Group I</u>	-	<u>P</u>
<u>Group III</u>	<u>Note(20)</u>	<u>P/SE*</u>
<u>Group IV</u>	<u>Note(20)</u>	<u>P/SE*</u>
<u>Recreation, facilities: Pesonal</u>	-	<u>P</u>
<u>Recreation, facilities: Private On-site</u>	-	<u>P</u>
<u>Recreation, facilities: Private Off-site</u>	-	<u>P</u>
<u>Recycling facility</u>	-	<u>SE*</u>
<u>Religious facilities</u>	<u>Note (25), 34-2051 et seq.</u>	<u>P</u>
<u>Rental or leasing establishments, (34-622(c)(39)):</u>	-	-
<u>Group I</u>	<u>34-1352, 34-3001 et seq., Note (33)</u>	<u>P</u>
<u>Group II</u>	<u>34-1352, 34-3001 et seq.</u>	<u>P</u>
<u>Group III</u>	<u>34-1352, 34-3001 et seq.</u>	<u>P</u>
<u>Group IV, except for truck tractors, semitrailers, dump trucks similar large transportation and hauling</u>	<u>34-1352, 34-3001 et seq.</u>	<u>P</u>

<u>eqpt.</u>		
<u>Repair shops (34-622(c)(40)):</u>	-	-
<u>Group I</u>	-	<u>P</u>
<u>Group II</u>	-	<u>P</u>
<u>Group III</u>	-	<u>P</u>
<u>Group IV</u>	-	<u>P</u>
<u>Group V</u>	-	-
<u>Research and development laboratories (34-622(c)(41)):</u>	-	-
<u>Group II</u>	-	<u>P</u>
<u>Group IV</u>	-	<u>P</u>
<u>Residential accessory uses, (34-622(c)(42))</u>	<u>Note (27)</u>	<u>P</u>
<u>Restaurant, fast food</u>	<u>34-1353</u>	<u>P</u>
<u>Restaurants (34-622(c)(43)):</u>	-	-
<u>Group I</u>	<u>Note (33)</u>	<u>P</u>
<u>Group II</u>	<u>Note (33)</u>	<u>P</u>
<u>Group III</u>	<u>Note (33)</u>	<u>P</u>
<u>Group IV</u>	-	<u>P</u>
<u>Rooming house</u>	-	-
<u>Schools:</u>	-	-
<u>Commercial (34-622(c)(45))</u>	<u>34-2381</u>	<u>P</u>
<u>Non-commercial</u>	<u>Note (25), 34-2381</u>	<u>P</u>
<u>Self-service fuel pumps</u>	<u>Note(18)</u>	<u>P</u>
<u>Signs in accordance with chapter 30</u>	-	<u>P</u>
<u>Social services (34-622(c)(46)):</u>	-	-
<u>Group I</u>	-	<u>P</u>
<u>Group II</u>	-	-
<u>Group III</u>	-	-
<u>Group IV</u>	-	-
<u>Specialty retail shop (34-622(c)(47)):</u>	-	-
<u>Group I</u>	-	<u>P</u>
<u>Group II</u>	-	<u>P</u>
<u>Group III</u>	-	<u>P</u>
<u>Group IV</u>	-	<u>P</u>

<u>Stable, commercial</u>	-	-
<u>Storage:</u>	-	-
<u>Indoor only</u>	<u>34-3001 et seq.</u>	<u>P</u>
<u>Storage, open</u>	<u>34-3001 et seq., 34-1352</u>	<u>SE*</u>
<u>Studios (34-622(c)(49))</u>	-	<u>P</u>
<u>Supermarket</u>	-	<u>P</u>
<u>Temporary uses</u>	<u>34-3041 et seq.</u>	<u>P</u>
<u>Theater:</u>	-	-
<u>Indoor</u>	<u>34-2471 et seq.</u>	<u>P</u>
<u>Drive-in</u>	<u>Note (25), CPD or MPD only 34-2471 et seq.</u>	<u>EO</u>
<u>Timeshare units</u>	<u>Note (25)</u>	<u>SE*</u>
<u>Transportation services, (34-622(c)(53)):</u>	-	-
<u>Group I</u>	-	<u>P</u>
<u>Group II</u>	-	<u>P</u>
<u>Group III</u>	-	<u>P</u>
<u>Group IV</u>	-	<u>SE*</u>
<u>Truck stop</u>	-	-
<u>Trucking terminal, motor, rail, air, including warehousing of goods awaiting shipment, parking, and storage of rolling stock</u>	-	-
<u>Used merchandise stores, (34-622(c)(54)):</u>	-	-
<u>Group I, except pawn shops</u>	-	<u>P</u>
<u>Group I, limited to indoor display only</u>	-	<u>P</u>
<u>Group II</u>	-	<u>P</u>
<u>Group III</u>	-	<u>P</u>
<u>Group IV</u>	-	<u>EO</u>
<u>Variety store</u>	-	<u>P</u>
<u>Vehicle and equipment dealers, (34-622(c)(55)):</u>	-	-
<u>Group I</u>	<u>34-1352</u>	<u>P</u>
<u>Group II</u>	<u>34-1352</u>	<u>P</u>
<u>Group III</u>	<u>34-1352</u>	<u>P</u>
<u>Group IV</u>	<u>34-1352</u>	<u>P</u>
<u>Group V</u>	-	-

<u>Warehouse:</u>	-	-
<u>Mini-warehouse</u>	-	<u>SE*</u>
<u>Private</u>	-	<u>SE*</u>
<u>Public</u>	-	<u>SE*</u>
<u>Wholesale establishment, (34-622(c)(56)):</u>	-	-
<u>Group I</u>	-	-
<u>Group II</u>	-	-
<u>Group III</u>	<u>Note 15</u>	<u>P</u>
<u>Group IV</u>	<u>Note 15</u>	<u>SE*</u>

* Uses allowed by special exception may also be requested through PD zoning.

** Use must not be located closer than 500 feet, measured in a straight line from any public school or charter school; child care center; park, playground, or public recreation facility; place of worship or religious facility; cultural center, or hospital.

Sec. 33-1597. Reserved.

SUBDIVISION VI. SIGNS

Sec. 33-1598. Signs.

This section is adopted as an addendum to the general sign regulations set forth in Chapter 30 and is applicable all properties in the North Fort Myers Planning Community.

Sec. 33-1599. Permitted signs – banners and banner signs.

Notwithstanding the prohibition of banners under Chapter 30, banners, banner signs and “feather signs” are permitted providing the following conditions are met:

- (a) Not more than a total of three banners or banner signs are allowed on a single lot or parcel and only under the following conditions:
 - (1) The total area of such signs must not exceed 48 square feet.
 - (2) The maximum size of any banner will be sixteen square feet in area and eight feet in height.

Sec. 33-1600. Temporary signs.

Temporary sign permits for prohibited signs will not be issued except for the following:

(a) *Special occasion signs.* Temporary on-site sign permits may be issued for special occasions such as holidays (other than Christmas and Hanukkah, which are addressed in Sec. 30-6), carnivals, parking lot sales, annual and semiannual promotions or other similar events, provided:

(1) A special occasion sign permit is issued by the building official;

(2) The special occasion sign permit is issued for a period of time not to exceed 15 days;

(3) No business may be permitted more than two special occasion permits in any calendar year; and

(4) The business did not violate any applicable time limitations.

(b) *Inflatable wind signs, search lights, and spot lights.*

(1) Not more than one inflatable wind sign or search light or spot light will be permitted on a single lot or parcel. Inflatable wind signs, search lights, and spot lights will be permitted only upon issuance of a special occasion sign permit and no such inflatable wind sign, search light, or spot light may be placed on the public right-of-way.

(c) Other temporary signs such as pennants and balloons are allowed upon approval of a special occasion sign permit by the building official.

(d) Signs must be located on-site and in a manner that does not create a traffic or pedestrian hazard.

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

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

Sec. 33-1601. Miscellaneous signs.

(a) *Under-canopy signs.* Signs attached to the underside of a canopy may have a copy area no greater than four square feet, with a maximum letter height of six inches, subject to a minimum clearance height of eight feet from the sidewalk, and must be mounted as nearly as possible at a right angle to the building face, and rigidly attached.

(b) *Sandwich signs/sandwich boards.* On-site sandwich signs/sandwich boards are permitted on commercially-zoned property during business hours, one per business limited to six square feet per side, provided they are not placed within

buffers, on the sidewalks or over a fire hydrant, and do not interfere with the public right-of-way or within the visibility triangle. Sandwich signs/sandwich boards will not count against the permitted sign area.

Secs. 33-1602 – 33-1610 Reserved.

SECTION SIX: AMENDMENT TO LDC CHAPTER 34

Lee County Land Development Code Chapter 34 is amended as follows with strike through identifying deleted text and underline identifying new text.

**CHAPTER 34 ZONING
ARTICLE I. IN GENERAL**

Sec. 34-6. Compliance with specific planning community requirements.

If the subject property is located in one of the following communities, the owner/applicant will be required to demonstrate compliance with the requirements applicable to the specific community as outlined in chapter 33.

- (1) Estero Planning Community.
- (2) Greater Pine Island.
- (3) Page Park.
- (4) Caloosahatchee Shores.
- (5) Lehigh Acres.
- (6) North Fort Myers.

ARTICLE II. ADMINISTRATION.

Division 6. Applications and Procedures for Changes, Permits, Interpretations and Approvals.

Sec. 34-202. General submittal requirements for application 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) thru (9) remain unchanged.

(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. Greater Pine Island.
- c. Page Park.
- d. Caloosahatchee Shores.
- e. Lehigh Acres.
- f. North Fort Myers.

DIVISION 2. AGRICULTURAL DISTRICTS

Sec. 34-653. Use regulations table.

Use regulations for agricultural districts are as follows:

TABLE 34-653. USE REGULATIONS FOR AGRICULTURAL DISTRICTS

	Special Notes or Regulations	AG-1	AG-2	AG-3
Essential service facilities (34-622(c)(13)):				
Group I	34-1611 et seq., 34-1741 et seq., 34-2141 et seq.	P	P	P
<u>Group II</u>	<u>34-1611 et seq., 34-1741 et seq.,</u> <u>34-2141 et seq.</u>	<u>EO</u>	<u>EO</u>	<u>EO</u>

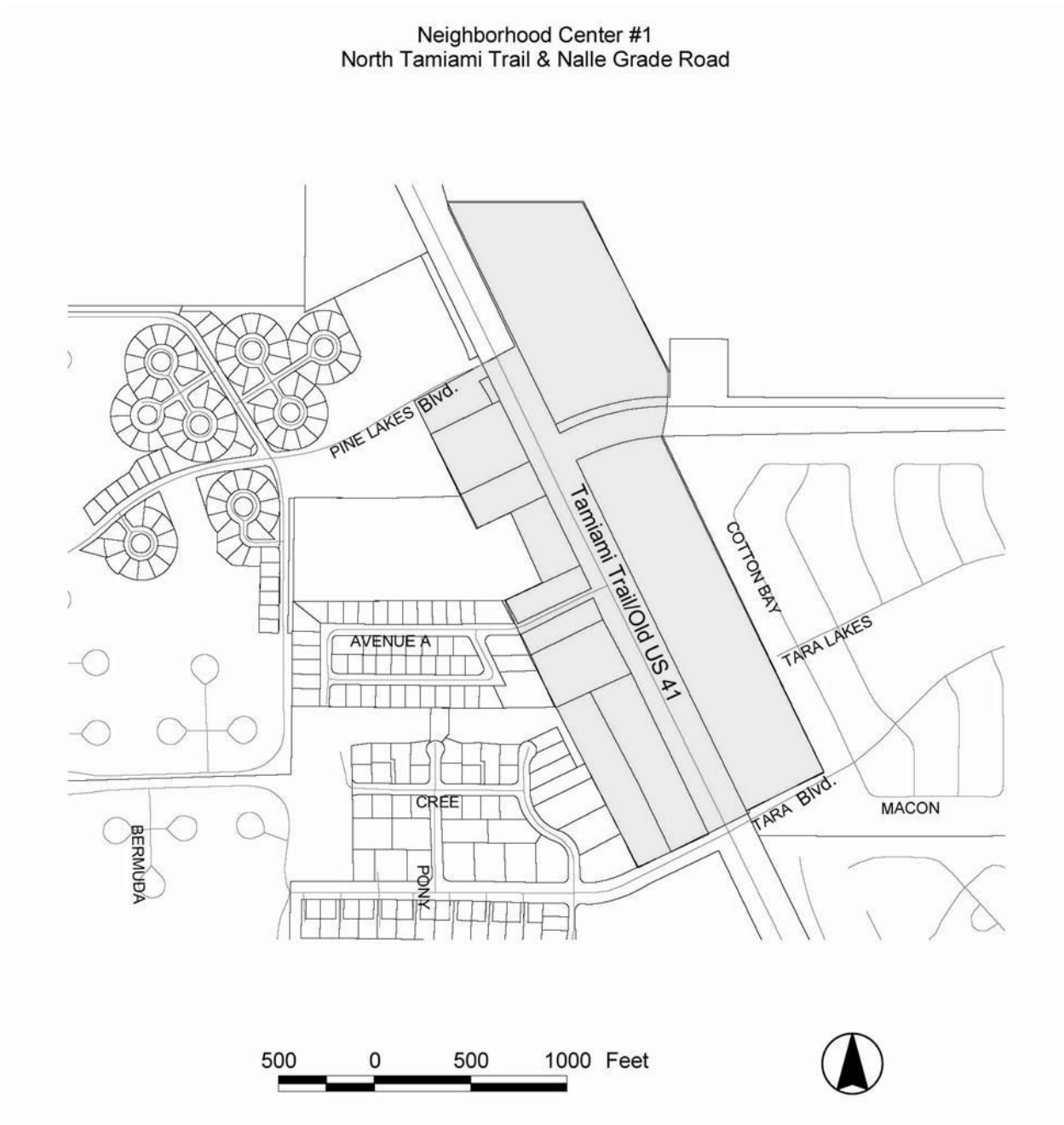
Sec. 34-1351. - Automotive repair and service.

(a) All services performed by an automotive repair and service establishment, including repair, painting and body work activities, must be performed within a completely enclosed building. Providing estimates for work to be completed or performing minor repair services, such as replacement of windshield wiper blades, automobile batteries, and light bulbs are excluded from this provision.

(b) remains unchanged.

SECTION SEVEN: AMENDMENT TO LDC APPENDIX I

Lee County Land Development Code Appendix I is amended as follows with strike through identifying deleted text and underline identifying new text.



Map 7 – North Fort Myers Planning Community, Neighborhood Center #1

Neighborhood Center #2
North Tamiami Trail & Del Prado Blvd.



Map 8 – North Fort Myers Planning Community, Neighborhood Center #2

Neighborhood Center #3
Littleton Rd. & North Cleveland Avenue



Map 9 – North Fort Myers Planning Community, Neighborhood Center #3

Neighborhood Center #4
Hancock Bridge Pkwy. & Orange Grove Blvd.



Map 10 – North Fort Myers Planning Community, Neighborhood Center #4

Neighborhood Center #5
North Tamiami Trail & Pine Island/Bayshore Rd.



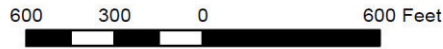
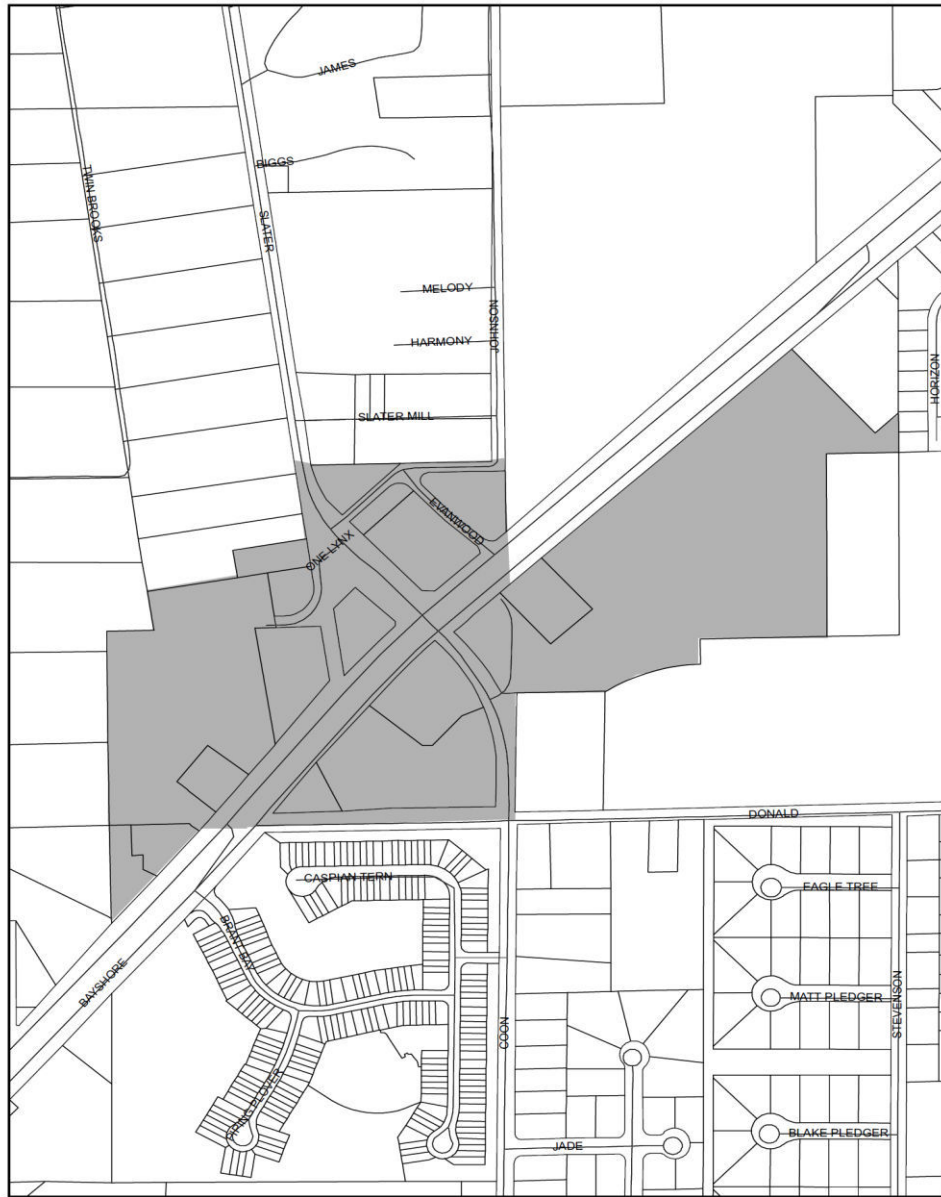
Map 11 – North Fort Myers Planning Community, Neighborhood Center #5

Neighborhood Center #6
Bayshore Road & Hart Road

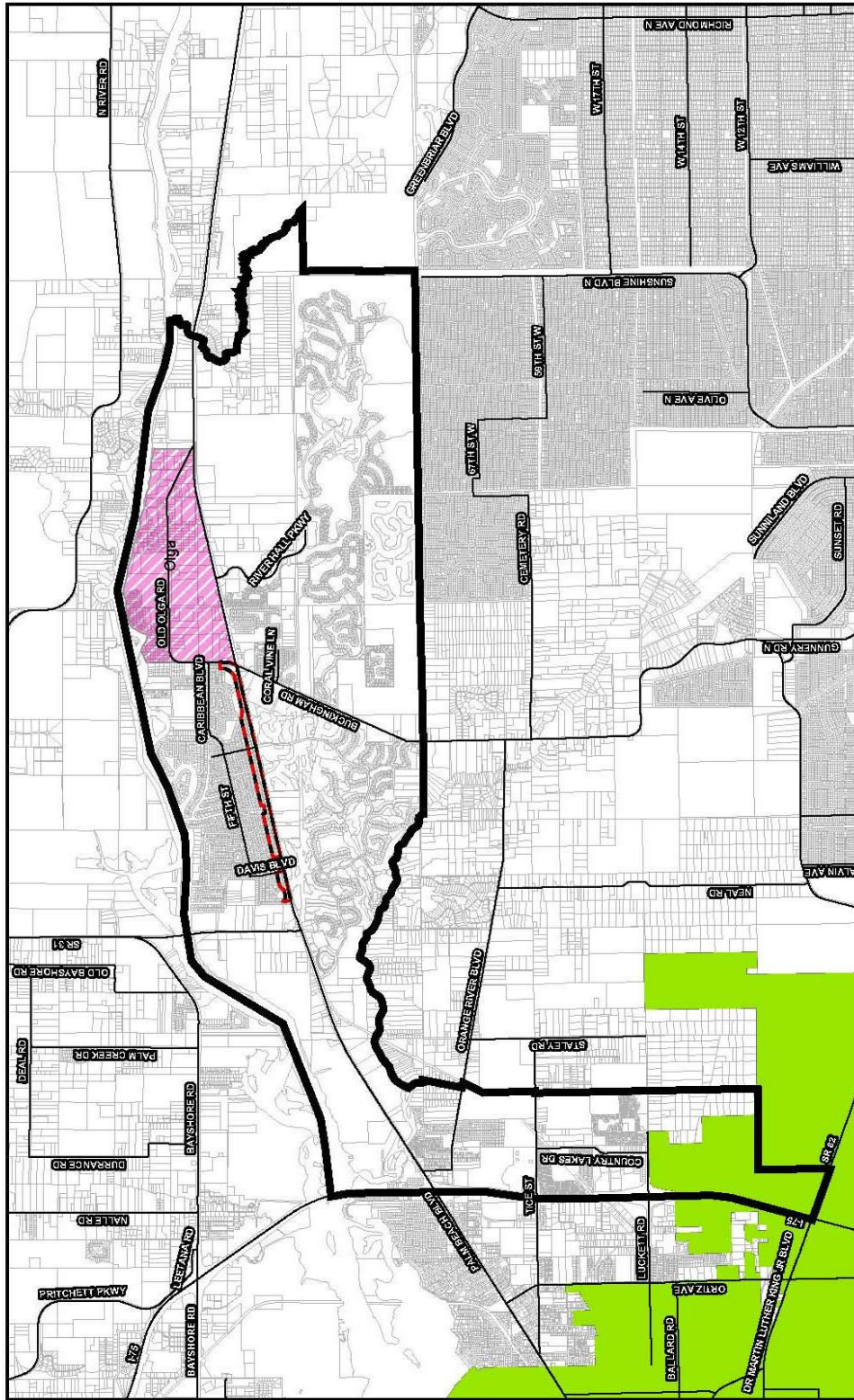


Map 12 – North Fort Myers Planning Community, Neighborhood Center #6

Neighborhood Center #7
Bayshore Road & Slater Road



Map 13 – North Fort Myers Planning Community, Neighborhood Center #7

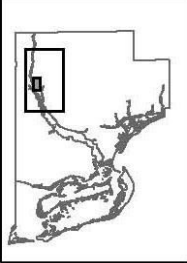



Caloosahatchee Shores Planning Community

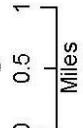
Legend

- Caloosahatchee Shores
- City Limits*
- SR 80 Overlay
- Olga


*Properties located within the city limits are not subject to these regulations.





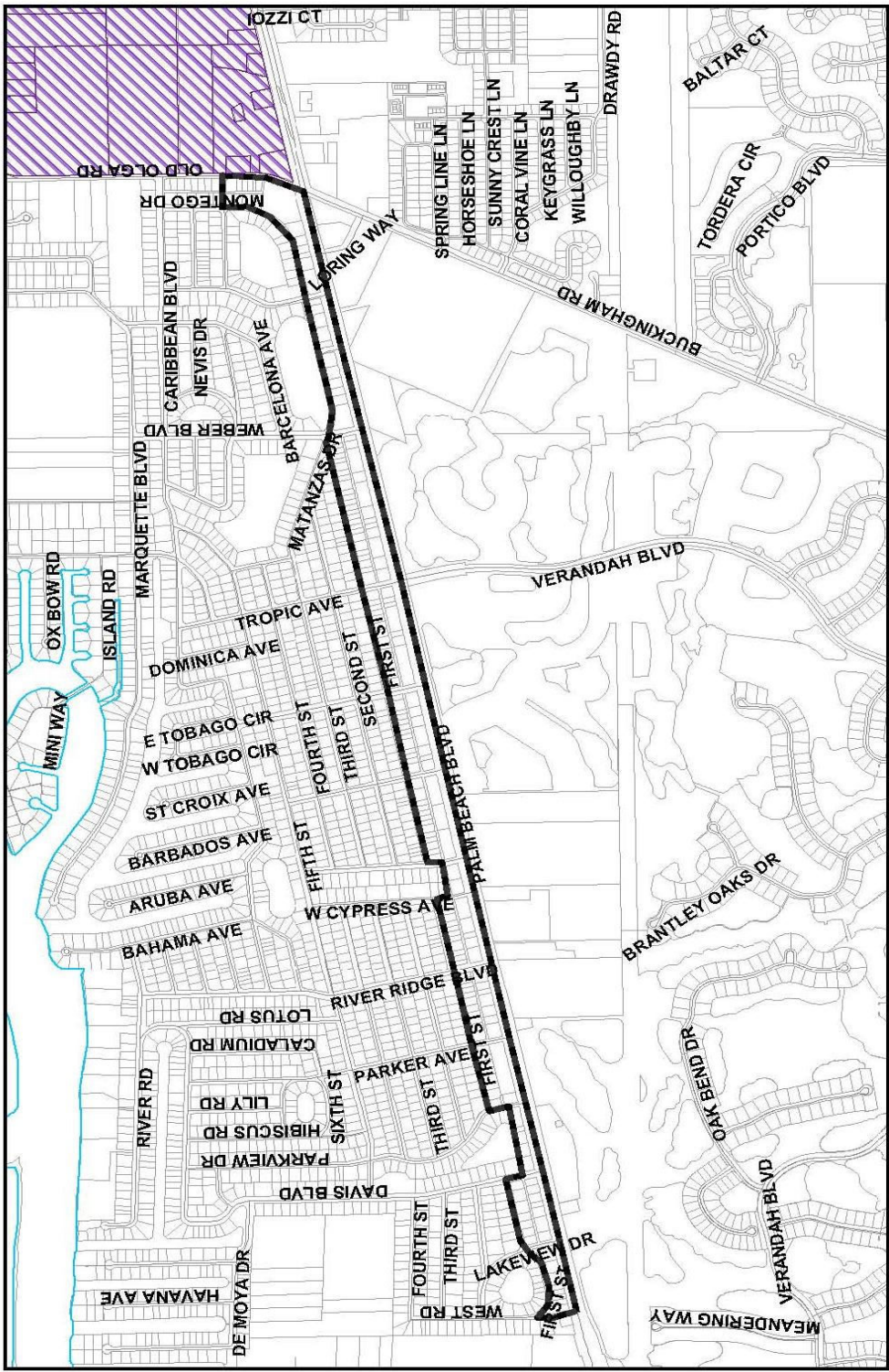


Miles



Prepared by:
Lee County DCD
Mapped June 2011

Map 14 – Caloosahatchee Shores Planning Community



Caloosahatchee Shores State Route 80 Corridor Overlay

Legend

- Olga
- SR 80 Corridor Overlay

Prepared by:
Lee County DCD
Mapped June 2011

Map 15 – Caloosahatchee Shores Planning Community: State Route 80 Corridor Overlay

SECTION EIGHT: 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 NINE: 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 TEN: CODIFICATION AND SCRIVENER’S ERRORS

The Board of County Commissioners intend that this ordinance will be made part of the Lee County Code. Sections of this ordinance can be renumbered or relettered and the word “ordinance” can be changed to “section”, “article,” or 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 ELEVEN: 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.

Commissioner ___ made a motion to adopt the foregoing ordinance, seconded by Commissioner ____. The vote was as follows:

- John E. Manning
- Brian Bigelow
- Ray Judah
- Tammara Hall
- Frank Mann

DONE AND ADOPTED this ___ day of _____ 2011.

ATTEST:
CHARLIE GREEN, CLERK

LEE COUNTY
BOARD OF COUNTY COMMISSIONERS

BY: _____
Deputy Clerk

BY: _____
John Manning, Chairman

Approved as to form by:

County Attorney's Office