



**EXECUTIVE REGULATORY OVERSIGHT COMMITTEE
Community Development/Public Works Center
1500 Monroe Street, First Floor Conf. Rm. 1B**

**WEDNESDAY, NOVEMBER 14, 2012
2:00 P.M.**

AGENDA

1. Call to Order/Review of Affidavit of Publication
2. Approval of Minutes – July 11, 2012
3. AMENDMENT TO COMPACT COMMUNITIES FOR LEHIGH ACRES AND NORTH FORT MYERS PLANNING COMMUNITIES – TONY PALERMO
4. PROPOSED AMENDMENTS TO THE NORTH FORT MYERS NEIGHBORHOOD CENTERS REGULATIONS – TONY PALERMO
5. REMINDER TO MEMBERS TO TURN IN CONFLICT OF INTEREST PACKETS
6. Adjournment – Next Meeting Date: January 9, 2013



Draft

**MINUTES REPORT
EXECUTIVE REGULATORY OVERSIGHT COMMITTEE
WEDNESDAY, JULY 11, 2012**

Committee Members Present:

Randy Mercer, Chairman	Jim Ink	Steve Kushner
Hal Arkin	Jim Kinsey	Darin Larson
Bill Ennen	Bob Knight	Michael Reitmann
Tracy Hayden	Stephanie Kolenut	Buck Ward

Committee Members Absent:

Bill deDeugd	Terry Miller	Mike Roeder
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Lee County Government & Representatives Present:

Michael Jacob, Assist. County Attorney	Mikki Rozdolski, Senior Planner, Zoning
Pam Houck, Zoning Director	Nettie Richardson, Princ. Planner, Zoning
Bob Stewart, Building Official	Rob Price, Development Services Rep.
Debbie Carpenter, DCD Admin., Recording	

Consultant and Public Participants:

Charles Basinait, Henderson Franklin Law Firm

Introduction

Mr. Randy Mercer called the meeting to order at 2:00 p.m. in the first floor conference room of the Community Development/Public Works Center, 1500 Monroe Street, First Floor, Fort Myers, Florida. Mr. Michael Jacob, Assistant County Attorney, reviewed the Affidavit of Posting of Meeting and found it legally sufficient as to form and content.

Approve Meeting Minutes – March 14, 2012

Mr. Michael Reitmann made a motion to approve the March 14, 2012 minutes. Following a comment by Mr. Ink that he had not supported the Estero LDC Sign Amendment and Mr. Kinsey's comment that Mr. Ink, not he, was the speaker in the first sentence of the last paragraph on Page 5 concerning septic systems, Mr. Reitmann amended his motion to include those comments and Mr. Ink seconded. The motion carried.

Reinstatement of Certain Expired Permits

Mr. Bob Stewart said this ordinance allows the county to reactivate expired building permits without charging the additional impact fees that may have been assessed prior to 2007. It was originally passed as an emergency ordinance a few years ago by the Board, then it became a regular ordinance which has expired. The reactivation of the ordinance will facilitate the completion of 385 dwellings (65 duplexes and 320 houses) that are in some stage of completion with expired permits. Mr. Steven Kushner asked why the limitation is whether or not the project is past foundation inspection. Mr. Stewart said if there is no foundation in the ground, the permit can be voided, if you have a foundation, you're committed. This will encourage builders to reactivate their permits and finish. It's an attempt to remove a barrier that was precluding people from picking up half built houses and completing them, otherwise the incomplete houses may need to be torn down. Mr. Kushner

asked about the time line for construction not completed to be brought into compliance with current LDC regulations. Mr. Stewart said the intent is what hasn't been built yet, like smoke detectors, be done to current codes, even if it was already permitted. He said there are not a lot of code changes since 2004. Mr. Michael Jacob said it could be amended to state the timing is at the date of the application reinstatement. Mr. Hal Arkin asked if the ordinance would allow for any reimbursement or refund of impact fees. Mr. Stewart said it just eliminates the potential for more payment to finish building. Mr. Jacob said it is specifically stated that refunds are not permitted based on the ordinance. Mr. Knight asked if Lee County is pushing to get info out to owners about the window of opportunity. Mr. Stewart said no, this is another 2 year window since the first one in 2008 and it's not a matter of announcing it's available. These come forward as a function of coming out of the foreclosure and sales process. It was initiated by someone going to the commission about the cost of trying to finish a house or duplex when the obstacle was realized. This is an effort to remove it. Mr. Buck Ward said if a development order expires, it's tough luck and he would like to see the notion of reinstatement for those as well.

Mr. Kushner moved to accept the ordinance with the suggested change of adding the timing for code compliance starts on the date of the permit reinstatement. Ms. Tracy Hayden seconded. The motion carried unanimously.

Billboards Along Metro Parkway Extension

Mr. Stewart said this is another Board directed amendment. The intent is to extend the ability to issue permits for billboards for the appropriate land use category for the new segment of Metro Parkway. The language will be the same, just moved down to US 41. Mr. Chuck Basinait said there are only two areas south of Six Mile that are the appropriate land use classification (just south of Ben C. Pratt to a certain distance and just north of Alico Road where Metro is going to cross Alico). Other than that, there are no appropriate land use classifications where billboards can be put, regardless. Mr. Ward said he opposes the proliferation of billboards.

Ms. Hayden moved to approve. Mr. Jim Kinsey seconded. All were in favor except Mr. Ward opposed. The motion carried.

Parking Amendments

Ms. Mikki Rozdolski said the Board directed staff to do a comprehensive study on Lee County's parking regulations and these are the draft amendments. She asked if the committee would like a brief presentation, a brief introduction through PowerPoint, or go right to the drafted amendment as they're proposed in the packets. Mr. Mercer said a brief introduction would be fine.

Ms. Rozdolski said she and Rob Price, Senior Eng. for Lee County DCD, went over a comprehensive review of the County's parking regulations which were last updated in 1986. This revision is timely because Lee County is also looking at the Comprehensive Plan and EAR amendments. They looked at national planning studies, technical reports and reviewed other jurisdictions' requirements and came up with new requirements for parking in which there are many decreases. Mr. Price said, basically, the results show that we are over parking many uses. Therefore, there are many reductions, especially for commercial uses. The regulations were made more user friendly by putting them in a table as opposed to written

language. Different rates have been provided for multiple use, where there are uses on the same site with different peaking demands, to not over provide parking. A lot of power has been given to administratively reduce parking calculations in certain instances related to transit, bicycle/pedestrian use and boat slips. A requirement for maximum parking has been included in which, if you have a big parking lot over 80 spaces and you want to provide more than 20% of what the code requirement is, additional internal landscaping areas in parking islands will be required. Most residential uses parking remained the same. The presentation was concluded with some examples of the new parking calculations.

Mr. Mercer asked what prompted the reduction. Ms. Rozdolski said we've had a lot of requests for parking requirement reduction variances in the last 2 years, which turned out to be not only a local trend, but a national trend. Through discussions with the Board, the Board asked for the comprehensive study. She said the EAR is moving toward a more sustainable approach to development, so this goes hand in hand with reducing impervious area providing for and encouraging alternative ways of transportation. It's an incentive for development and a more efficient use of land.

Regarding Sec. 33-461 revisions, Mr. Jim Kinsey asked if the condition requiring parking to be distributed on three sides of the big box retail is to stop people from having parking on the backside near the loading zone, is it a safety issue? Ms. Rozdolski said it's part of Estero's code and it might be partly to not have it by the loading zone, but it's probably also to distribute it so you don't have that large lot out in front.

Regarding Sec. 33-1431 Lehigh Model Homes, Mr. Reitmann asked what live-work means. Ms. Rozdolski said it's part of their community plan, to encourage people to operate a business in part of their dwelling.

Regarding Section 33-1524, Mr. Kinsey asked if the number of spaces would be determined based on the square footage of the workplace, how that would be monitored. Ms. Rodolski said to get permitted their plans would have to show how much space is dedicated to work.

Regarding 33-1573 Buck Ward asked why the paragraph regarding shared parking is eliminated. Ms. Rozdolski said shared parking was never defined in the code and it was something that was picked up by a lot of the community plans. Staff feels that the reductions in the multiple use developments' parking regulations will encourage shared parking while reducing the amount of spaces. Mr. Price said rarely did someone use a shared parking agreement because it was very difficult to meet the standards required by the code.

Regarding 34-2, Mr. Kinsey asked if there was an automatic deviation for the ALFs you could seek to cut the parking in half, or was it done away with? Mr. Price said he's not aware of that regulation, but took a strong look at the ALF requirements and lowered it quite a bit, but he'll look into that.

Regarding 34-204, Mr. Kinsey asked what the applicant is required to produce for Pam to consider an administrative change? Ms. Rozdolski said this section goes along with the administrative procedures in the beginning of Chapter 34. If you're requesting an administrative action for a parking reduction as set forth in 34-2020(e), you'd have to provide that parking study or additional material as required.

Regarding 33-2012, Mr. Price said the definition of multiple use development was added. Mr. Ward asked if two separate property owners can grant each other the right to use parking. Mr. Price said two properties abutting or separated by a right-of-way less than 50 ft. wide can agree to share their parking and use the multiple use rate. Mr. Kushner said on page 33 it states certain sub-districts are encouraged to share parking in certain circumstances.

Regarding 33-2020, Mr. Ward said the tables are so much better than paragraphs.

Mr. Kinsey asked what is needed to qualify for the multiple use rate for assisted living, is it acute care verses independent living? Mr. Price said you could apply it as a continuing care which has all those uses or as independent care.

Regarding Table 34-2020(b), Mr. Jim Ink said marinas didn't change and asked why it's still 1 per 4 in dry storage? Mr. Rozdolski said this goes with Mike Roeder's comment that he would like this to be decreased. Mr. Roeder advised staff that he was reaching out to Hans Wilson and Chester Young to provide additional information. There is a lack of information for there to be an educated reduction to those numbers, so we're open to suggestions. Mr. Ink said there isn't a lot out there, but he could supply something for parking for dry storage that's a little dated but it helps defend what you might be able to do. He said a suggestion he has on Note (5) is to strongly encourage the width of trailer/boat spaces to be a minimum of 11 ft. if not 12 ft. because when you have a 40 ft. trailer and you only have a 20 ft. driveway, you don't tend to get it in straight.

Regarding Restaurants, fast food parking requirements, Mr. Kinsey stated that about a year ago we tried to change the fast food from 16 to 13 and the board did not approve that, so staff is coming back with that same ratio. He thinks that the rate is too high. However, he has worked extensively with staff for this specific use. He asked staff to monitor the rate as the industry continues to transition to more drive-thru business thus requiring less parking.

Regarding medical and health care facilities parking requirements, Mr. Kinsey said with some uses like oncology, radiology, orthopedics, 4.5 per 1,000 isn't going to be adequate. Maybe it should be revisited. Mr. Mercer said he thought it was too low also. Mr. Price said we have one of the higher medical rates and we have a lot of situations where medical uses become tenants in an existing building where there isn't enough parking to accommodate them, leasing out space that's vacant. This will benefit multi-use office buildings where you have one doctor and the rest general office. Ms. Rozdolski said the existing rate is 5 spaces per thousand so it's not a drastic reduction.

Regarding 23-2020(e) submittal requirements, Mr. Mercer said we look at these administrative approvals and opportunities to make changes with the people seated at the County now, and this will allow us to work with the next person who has the administrative rights, so it's good.

Mr. Kinsey said now that we're going to cap the number of spaces, how would someone plead their case for a variance to exceed the number? Mr. Price said 9 times out of 10 that situation is going to be accompanied by a rezoning effort so it would be a part of your rezoning. Ms. Rozdolski said you can get up to 20% extra under the provisions and anything above that,

you'd be required to provide some internal parking island landscape areas. Mr. Jacob said you'd have to have a high standard to get a deviation from those requirements. You'd have to say you need all those spaces and you can't provide the extra landscaping. Ms. Rozdolski said an additional 80 square feet of internal parking landscape area is required for every additional parking space over 120%. Mr. Price said at one point the maximum cap was going to be a one to one ratio, parking space to additional internal landscaping area, but looking at some grocery tenants, it was a lot of additional space, so it was cut in half. The theory is we want to not pave paradise, if we have to provide additional parking, let's put some additional green areas as well. Mr. Ward said if someone is doing an office building but they want the possibility of going medical office and want extra spaces, will that apply here? Mr. Price said you would come in for your D.O. as medical office, we're going to park it based on what you tell us you're building. Mr. Mercer said sometimes you don't know what the intentions are when you design buildings and you won't know what these buildings are going to be until you get the tenants. Mr. Price said if you get your D.O. based on medical office, you're getting it based on a higher rate. He said general office does not need as much parking as our code says and that's why we've looked at other jurisdictions' regulations, ITE, and parking demand studies that say the demand is actually less than what our code has been for 26 years. We're trying to hone in on what that demand really is, and if you want to come in as medical office parking, we're not going to penalize you. Mr. Arkin agreed with Mr. Mercer and Mr. Kinsey and said that keeping the rate at 5 per 1,000 would be wise. Mr. Arkin said things are going green and 5 years from now it may be more of a requirement for the greenery, so the more parking that can be provided will be sufficient. Mr. Mercer said that's up the developer. Mr. Kinsey said the development community is picking up on that. Mr. Jacob said at 120% of the 4.5, that's 5.4, so you can get up to 5.4 without having to put anything additional.

Mr. Mercer asked if small car parking comes into play. Mr. Price said there is no distinction now.

Regarding Sec. 34-2021 Drive-thru stacking requirements, Ms. Rozdolski said the language was originally lumped in with the parking requirements so we moved it to its own section.

Mr. Mercer called for a motion to approve. Mr. Jacob said there was one requested change to go from 10 ft. wide to 12 ft. wide for boat parking. Mr. Kinsey said there should be some comment that we're concerned about the 120% because of the industry changing and tracking more people into general office, it might be worth further study. He said he would like to let the Board know that we're concerned so that when it comes back in a year or two, it wasn't just taken out of the books. Mr. Jacob said you can footnote it. The question is whether or not you're going to lose the flexibility. Mr. Kinsey said our point is there should be potentially greater flexibility. Mr. Jacob asked how they wanted to word that to where it doesn't look like you're negative on reducing the number? Mr. Price said the code presently allows you to add as much additional parking as you want. This item went before the M & P and BOCC and they were excited about it. Mr. Kinsey said it ought to worded such that we like the concept of trying to reign in the over parking, however limiting it just 120% might warrant further study, because 4.5 per 1,000 X 120% for an oncology operation isn't going to be adequate. Mr. Jacob said what about a higher percentage rather than the 120%? Mr. Price said if you get to that point, what's the point of a maximum? Ms. Rozdolski said all you're looking at is adding some more landscaping, we're not going to prohibit you from over parking, we want more shade trees. Mr. Kinsey said there's a gross land constraint. Mr.

Mercer said why have it in there at all? Mr. Kinsey said let's just leave it as is, maybe we need to just talk to the Board down the road or continue to talk to staff like we did on the fast food parking. He said he's concerned about the changes in the industry, that we might be already lagging with this amount of leniency, but let's try it and see how it works. Mr. Jacob said it seems after everything we've heard all these years about reducing parking, you go back and say we want more parking. Ms. Rozdolski said this will primarily affect big boxes. An office use may not meet the threshold. Mr. Ward said there are parking requirements in the architectural design standards that have to do with the prohibition of having different angle parking in the same parking lot, which he thought was rather bizarre and unnecessary because we have all our parking requirements in the zoning ordinance, it's a completely different thing, and it's often overlooked. Could we get it added into this, or eliminate that requirement, or at least migrate it over to this? Mr. Price said we can migrate it. Mr. Ward asked why all of the design requirements of parking lots are in the zoning ordinance. Don't they belong in Section 10? Ms. Houck said no. Mr. Reitmann said since the trend is that we're going to be more bicycle friendly and Lee County has such an advocacy for bicycling and for busing, we're not going to have to deal with all these requirements.

Mr. Mercer asked for a motion to move the parking amendments forward with the one suggested change to the boat parking. Mr. Ink motioned. Mr. Reitmann seconded. The motioned carried unanimously.

ADJOURNMENT

There was no further discussion and no new business. The meeting was adjourned at 3:20 p.m.

The next meeting was tentatively scheduled for September 12, 2012. Mr. Mercer announced he would not be present and that the Vice Chair, Tracy Hayden, would run the meeting.

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EROC ORDINANCE EVALUATION GUIDELINES

Proposed Ordinance: LDC Amendments to Compact Communities for Lehigh Acres and North Fort Myers

1. **What is the public interest that the Ordinance is designed to protect?**

The use and regulation of land.

2. **Can the identified public interest be protected by means other than legislation (e.g., better enforcement, education programs, administrative code in lieu of ordinance, etc.)? If so, would other means be more cost effective?**

No, this ordinance is the basis for the regulation.

3. **Is the regulation required by State or Federal law? If so, to what extent does the County have the authority to solve the problem in a different manner?**

N/A

4. **Does the regulation duplicate State or Federal programs? If so, why?**

No. This ordinance amends and supplements regulations at a different level.

5. **Does the regulation contain market-based incentives? If not, could that be used effectively?**

N/A

6. **Is the regulation narrowly drafted to avoid imposing a burden on persons or activities that are not affecting the public interest?**

Yes

7. **Does the regulation impose a burden on a few property owners for the benefit of the public as a whole? If so, does it provide any form of compensation?**

No

8. Does the regulation impact vested rights?

No

9. Does the regulation provide prompt and efficient relief mechanisms for exceptional cases?

Yes

10. Even though there is an interest to be protected, is it really worth another regulation?

Yes, this ordinance supplements and refines current regulations.

11. Has this approach been tried in other jurisdictions? If so, what was the result? If not, what are the reasons?

N/A

12. If this regulation is enacted, how much will it cost on an annual basis, both public and private? If this regulation is not enacted, what will be the public and private cost?

Any increased cost will be nominal.

**AMENDMENT TO COMPACT
COMMUNITIES FOR LEHIGH
ACRES AND NORTH FORT
MYERS PLANNING
COMMUNITIES
TONY PALERMO**

MEMORANDUM
FROM
THE DEPARTMENT OF
COMMUNITY DEVELOPMENT

**TO: Executive Regulatory Oversight
Committee (EROC)**

DATE: October 24, 2012

**FROM: Tony Palermo, AICP
Senior Planner, Zoning Division**

RE: Lehigh Acres Activity Centers and North Fort Myers Town Center.

Please find staff's draft of proposed regulations implementing Compact Communities in Lehigh Acres and North Fort Myers Planning Communities. These include proposed Regulating plans to implement Compact Communities – two in Lehigh Acres and one in North Fort Myers. Both plans were the subject of intensive public involvement. The regulations themselves amend Chapter 32 "Compact Communities" and Chapter 33 Planning Communities Regulations and have been vetted by Lee County staff, the County Attorney's office and other stakeholders. These new regulations create pre-approved optional developments of Compact Communities, which can be approved – in whole and in part – administratively with flexibility to make minor changes to the approved plans. The property owners still retain the right to develop under current zoning if they so choose. Some key highlights:

Lehigh Acres

- These regulations help implement two of nine identified "Activity Centers" in Lehigh Acres seeking to utilize Compact Communities per Chapter 32;
- These regulations implement Goal 32 of the Lee Plan for the Lehigh Acres Planning Community;
- These regulations and regulating plans were done in coordination with the Lehigh Acres community and Ensite, a local planning consultant.

North Fort Myers

- These regulations help implement the North Fort Myers Town Center utilizing Compact Communities per Chapter 32;
- These regulations implement Goal 28 of the Lee Plan for the North Fort Myers Planning Community;
- These regulations and regulating plans were done in coordination with the North Fort Myers community and LaRue Planning and Management a local planning consultant.

North Fort Myers Neighborhood Centers.

Please also find a one-page draft proposal to amend the existing North Fort Myers Neighborhood Centers Regulations. Ordinance 12-01 approved January 10, 2012 included requirements that seven identified "Neighborhood Centers" and other areas located on commercial corridors within the Mixed Use Special Treatment Area in North Fort Myers are required to utilize Chapter 32 Compact Communities for rezoning. Staff recommends the language be changed to make clear this is a voluntary option for property owners. The proposed language would permit planned developments and other zoning actions be permitted in these areas, while conventional zoning would not be permitted.

Thank you for your attention to these matters.

PROPOSED REGULATIONS IMPLEMENTING COMPACT COMMUNITIES IN LEHIGH ACRES ACTIVITY CENTERS AND NORTH FORT MYERS TOWN CENTER.

CHAPTER 32 COMPACT COMMUNITIES

ARTICLE VI. COMPACT COMMUNITIES THROUGH OPTIONAL REGULATING PLANS.

Sec. 32-601 Purpose of article.

~~(a)~~ This article will provide an optional administrative process to ~~create~~ develop compact communities on land designated as “Mixed Use Overlay” on Lee Plan Map 1, Page 6 and per Land Development Code (LDC) Sec. 32-602 “Applicable Areas” below. This optional process will eliminate the need to rezone land for compact communities and will provide clear standards for the development of compact walkable communities or fragments thereof. ~~This process may also create additional TDR receiving areas (See Article III).~~ This article will also provide means to utilize adopted regulating plans for compact communities, make minor changes to adopted regulating plans administratively, and create new adopted regulating plans in the future in other areas within Lee County. Use of the adopted regulating plans is voluntary. Lands with adopted regulating plans may utilize underlying zoning prior to adoption of an “Opt-In” Resolution (See LDC Sec. 32-604).

Additional geographic areas in Lee County may be added through amendment of this Article and adoption by the Lee County Board of County Commission of Compact Community Regulating Plans.

~~(b) Before this article can be used by landowners, Lee County must create conceptual regulating plans for eligible property and add those plans to this article. This article must also be amended to describe the optional nature of this review process.~~

Sec. 32-602 Applicable Areas.

The provisions of this article apply to the following geographic areas in addition to those properties identified on Lee Plan Map 1, page 6.

- (1) **Lehigh Acres** - Specialized Mixed Use Nodes, Downtown Lehigh Acres, Neighborhood Mixed Use Activity Center and Local Mixed Use Activity Centers within the Lehigh Acres Planning Community per the Lee Plan (See Objective 32.2, Policy 32.2.1, Objective 32.3, Objective 32.4, Objective 32.5, and Objective 32.6 of the Lee Plan).
- (2) **North Fort Myers** - The North Fort Myers Town Center within the North Fort Myers Planning Community Per the Lee Plan (See Policy 28.2.2 of the Lee Plan)

Sec. 32-603 Adopted Compact Community Plans.

The plans identified in Figures 1 through 7 have been adopted and may be utilized in accordance with this Article. Minor changes may be approved per LDC Sec. 32-604(b). Additional plans may be adopted by amendments to this Article and adoption of Compact Community Regulating Plans by the Lee County Board of County Commissioners.

- Figure 1 – North Fort Myers Town Center Conceptual Regulating Plan
- Figure 2 – North Fort Myers Town Center Detailed Regulating Plan
- Figure 3 – North Fort Myers Town Center Illustrative Site Plan (non-binding).
- Figure 4 – Lehigh Acres Downtown Activity Center Conceptual Regulating Plan
- Figure 5 – Lehigh Acres Downtown Activity Center Detailed Regulating Plan
- Figure 6 – Lehigh Acres Neighborhood Activity Center Conceptual Regulating Plan.
- Figure 7 – Lehigh Acres Neighborhood Activity Center Detailed Regulating Plan.

Sec. 32-604 General approval procedures.

(a). **Rezoning not required.** Land identified in LDC Sec. 32-603 may be developed as a Compact Community without going through the rezoning process so long as the proposed development complies with the requirements of Chapter 32 of the Land Development Code including Articles I, II and VI.

(1) An application for an “Opt-in” Resolution is required to utilize the adopted regulating plans. Compliance will be confirmed by issuance of the following joint application for an “Opt-in” Resolution, development order and supporting documentation:

a. **Opt-In.** An “Opt-in” Resolution may be approved administratively consistent with this article. No public hearing will be required. An “Opt-in” Resolution application may be for a portion of or the entirety of an adopted Compact Community. The applicant must also demonstrate either substantial compliance with the adopted regulating plans per this article or utilization of “Minor Changes” to adopted regulating plans per LDC Sec. 32-604(b). below.

b. **Development Order.** A local development order using the procedures described in Chapter 10, with the modifications described in this article. The Development Services Director may authorize administrative deviations in accordance with LDC Sec. 10-104 during this process.

(2) A pre-application meeting to review the project with County reviewers is encouraged.

(3) In addition to application requirements for a development order under Chapter 10, an application for development of an adopted Compact Community per this Article must include plans and supporting documentation that demonstrate compliance with this chapter:

a. **Regulating plans.** A conceptual and a detailed regulating plan must be submitted for the developable portion of the property. The conceptual and detailed regulating plan must be in substantial compliance with those adopted regulating plans provided in this Article.

b. **Density and Intensity.** The proposed density and intensity on the developable portion of the property must be in compliance with the

applicable Future Land Use category, the Lee Plan, Land Development Code, and any relevant or applicable transfer of development rights, and/or bonus density received.

(b) Minor Changes.

(1) Minor changes may be approved as part of the “Opt In” Resolution application per LDC Sec. 32-604 (a.)(1) a. Criteria for administrative approval for minor changes to the adopted regulating plans will be per the following:

- a. Modifications must be consistent with the Lee Plan and with the intent and the regulations of this chapter.
- b. Modifications may not change transect zones, increase allowable building heights, increase overall density, exceed allowable block sizes, add an access point through the Edge transect zone, or reduce the diversity of lot types or street types per the approved regulating plan per this Article. However, modifications may substitute similar lot types or street types that are allowed in the designated transect zone and may make adjustments to comply with regulatory actions of the Florida Department of Transportation or the South Florida Water Management District.
- c. Modifications may not increase the intensity of any block in the Edge transect zone.
- d. The cumulative effect of multiple modifications to an adopted regulating plan will be evaluated using the same standards per LDC Sec. 32-604(b)(1)a.-c. that apply to individual modifications.

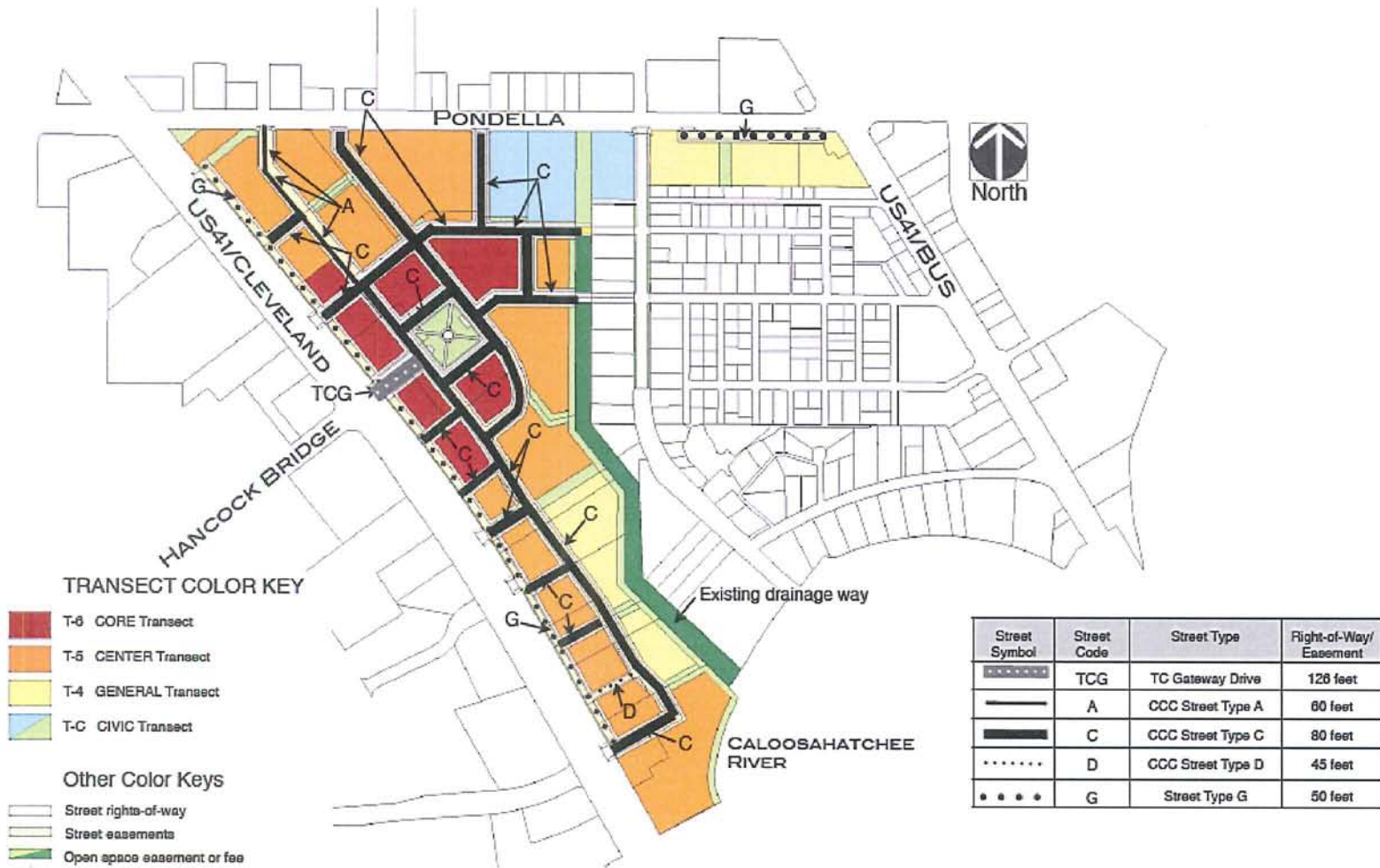
(2) If proposed minor changes exceed the thresholds above or are deemed by the Zoning Director to be material changes that are not in substantial compliance with the adopted regulating plans per this Article, the proposed Minor Changes can only be approved by the Lee County Board of County Commissioners through the rezoning process.

(c.) Existing Zoning and Development Orders. Property located within the geographical areas identified under Sec. 32-602, may continue to be developed in accordance with existing zoning and development approvals on the property or may acquire development permits and rezoning approvals in accordance with Chapters 10 and 34. Development of property in accordance with this Article through an application for an “Opt-in” Resolution is voluntary. Nothing within this Article may be construed to require a property owner to develop property as a Chapter 32 Compact Community.

Sec. 32-605 Property Development Regulations. Property development regulations for Compact Communities per this article will conform with the regulations established in Chapter 32, Table 32-243.

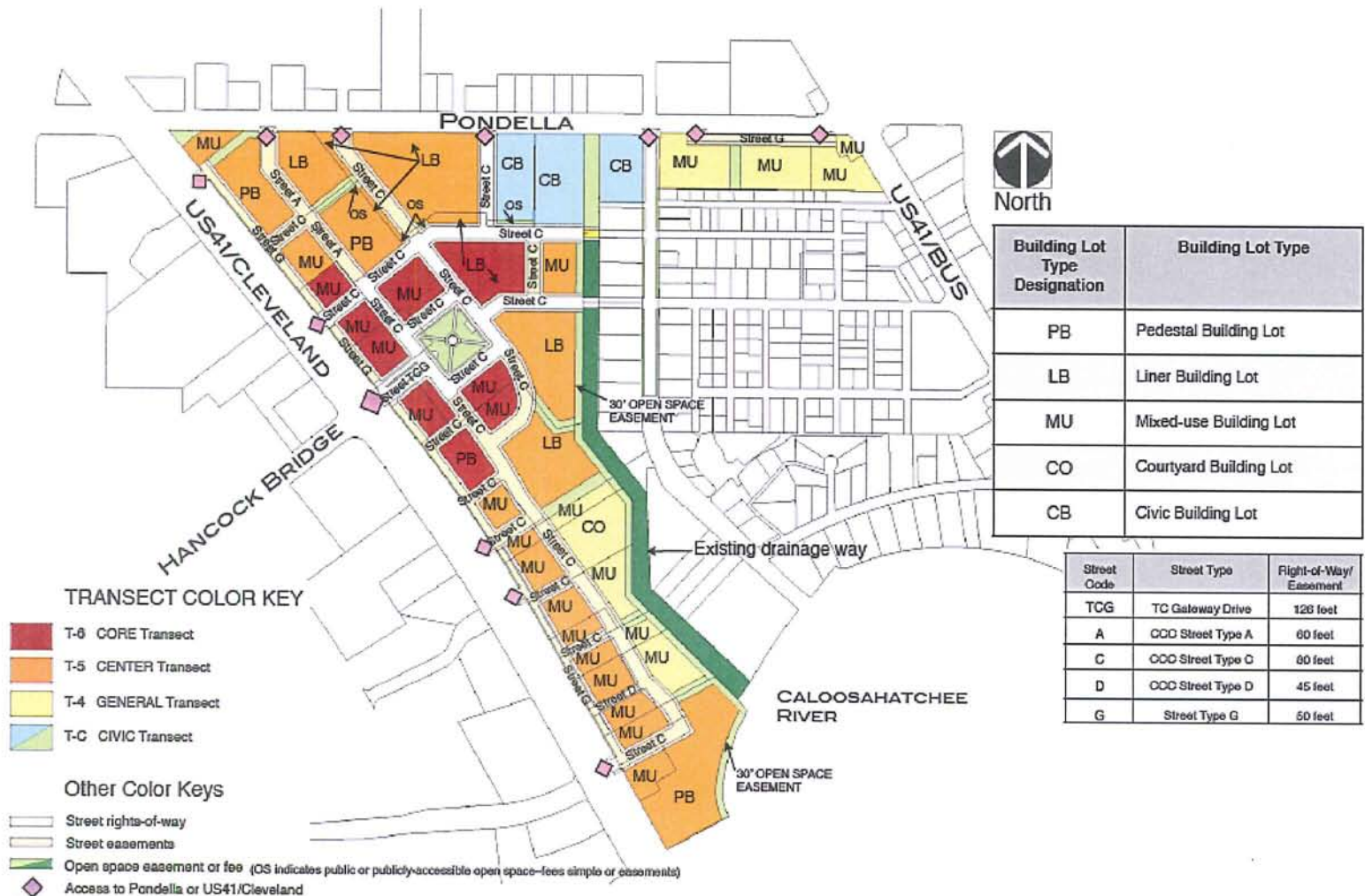
Sec. 32-606 Permitted Uses. Permitted uses for Compact Communities per this article will conform with the use regulations established in Chapter 32, Table 32-244.

Sec. 32-603 Figure 1



North Fort Myers Town Center
Conceptual Regulating Plan

Sec. 32-603 Figure 2

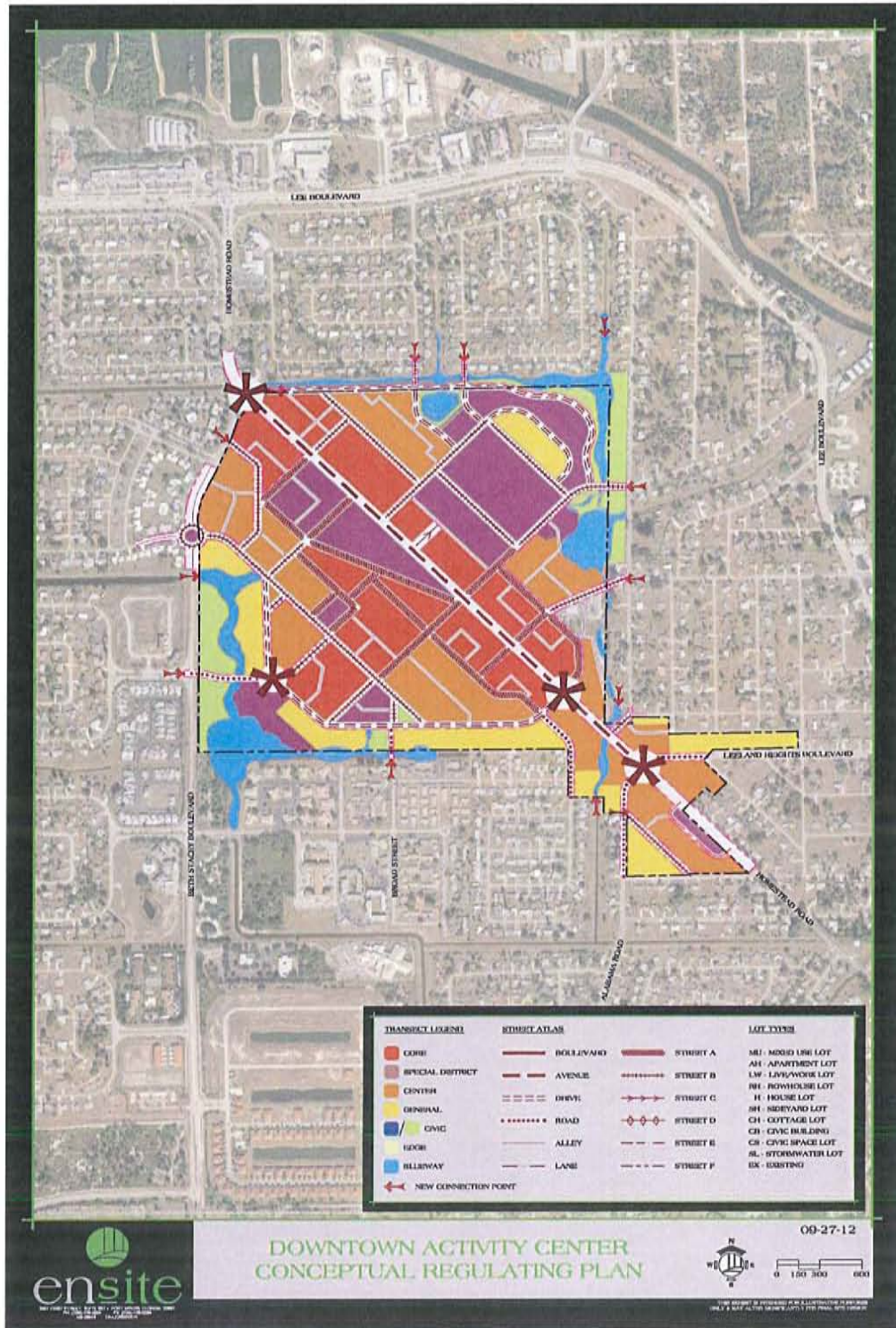


North Fort Myers Town Center Detailed Regulating Plan

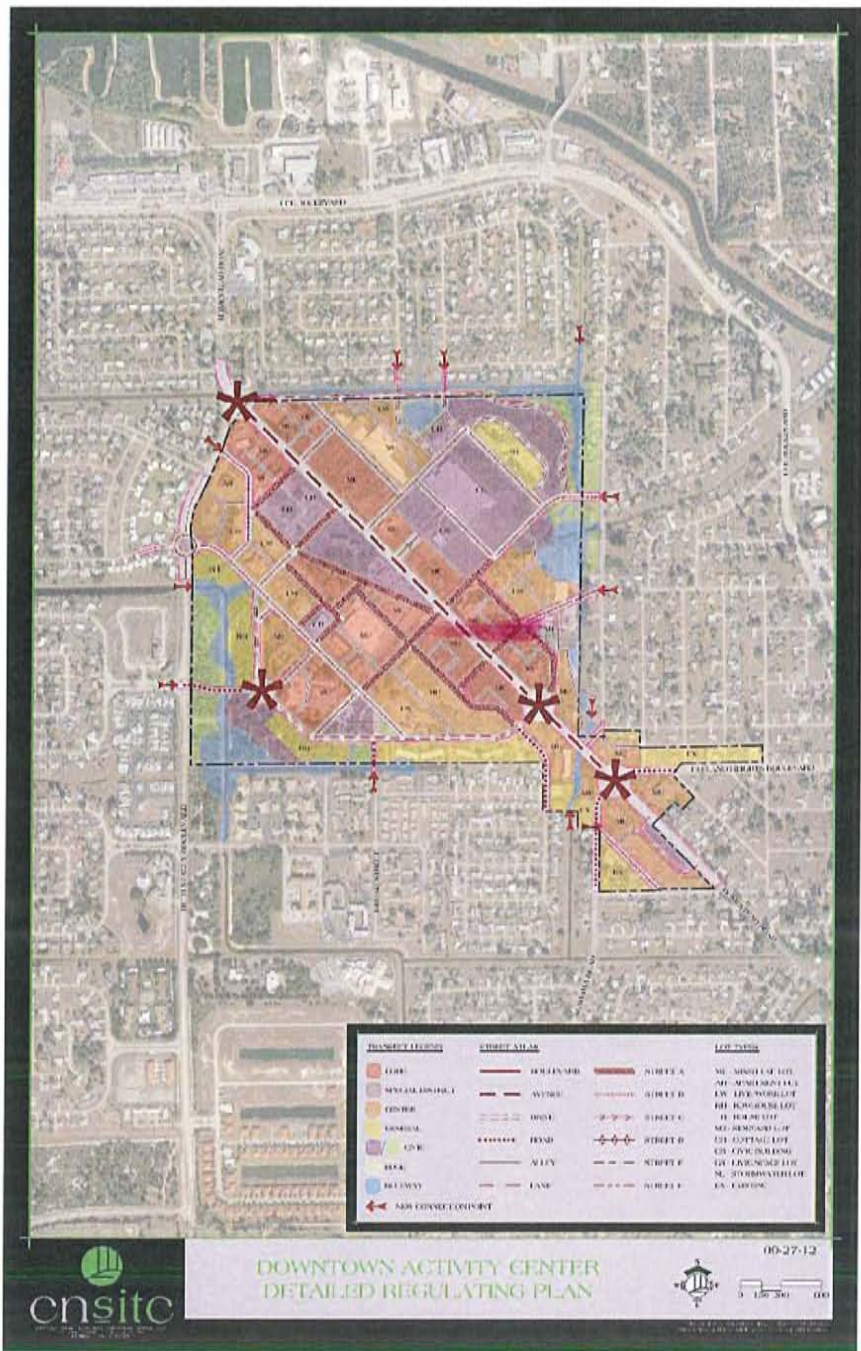


North Fort Myers Town Center
Illustrative Site Plan

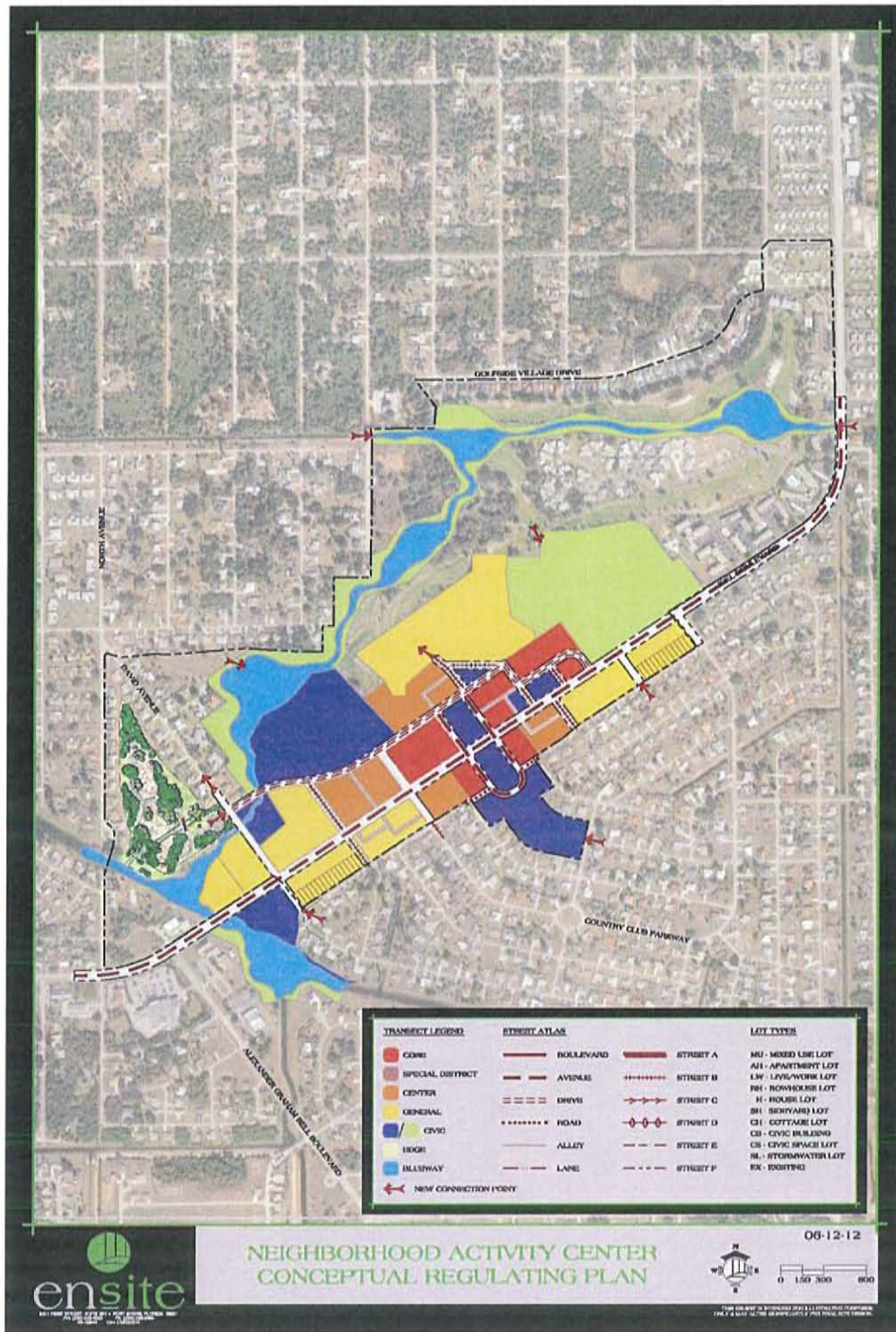
Sec. 32-603 Figure 3



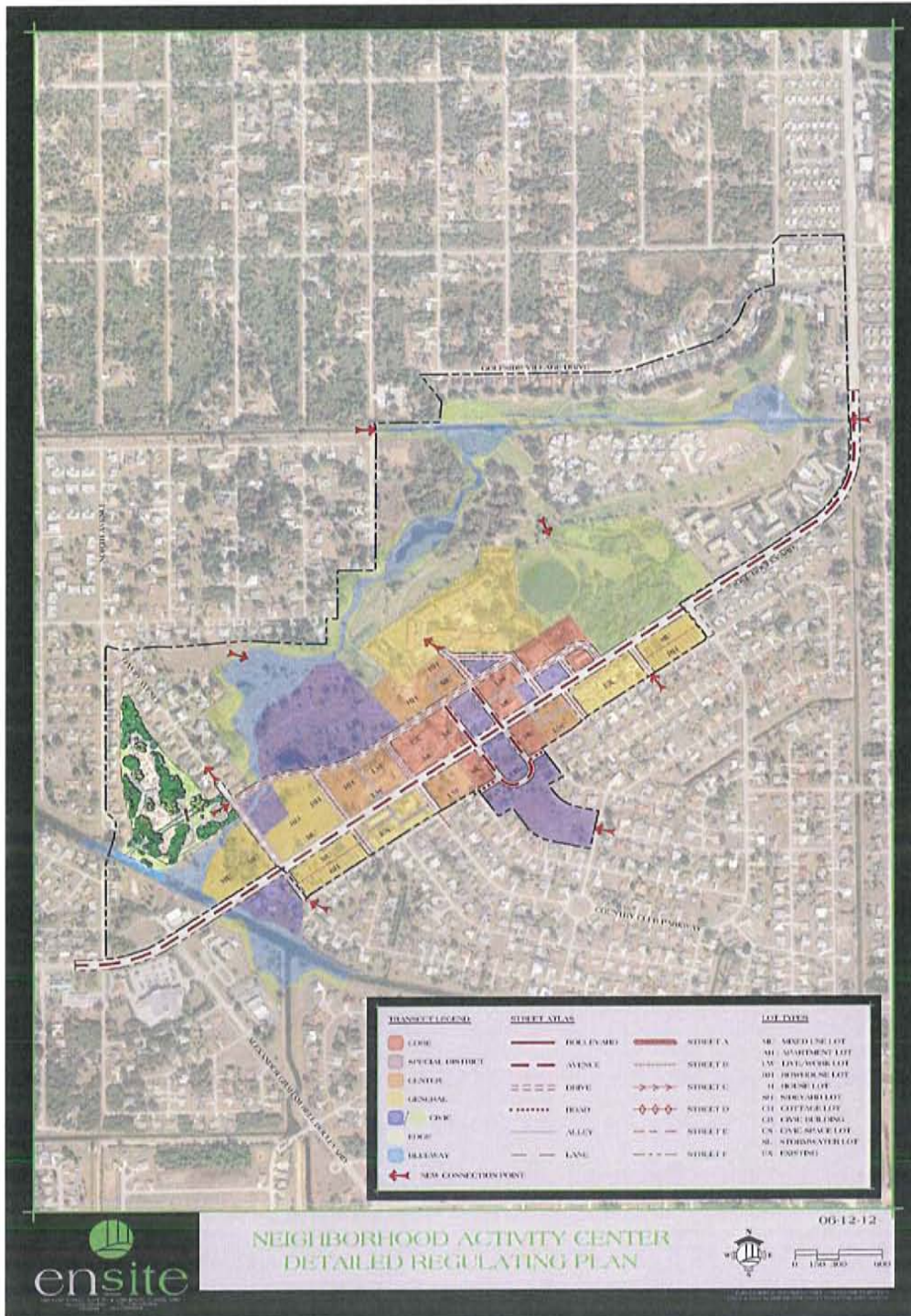
Sec. 32-603 Figure 4



Sec. 32-603 Figure 5



Sec. 33-603 Figure 6



Sec. 32-603 Figure 7

AMENDMENTS TO CHAPTER 32

Sec. 32-222. Design of street network.

~~(3) Streets, alleys and lanes must be publicly dedicated. All streets proposed for acceptance for County maintenance must comply with Section 10-292 and must meet Chapter 10 construction standards for wearing surface, base and subgrade. Entrance gates, private streets, and closed or gated streets are prohibited in compact communities.~~

3) Streets, alleys, and lanes must be dedicated or conveyed for public use on a plat or within a right-of-way easement. Nothing herein may be construed as creating an obligation upon any governing body to perform any act of construction or maintenance within such dedicated areas except when the obligation is voluntarily assumed by the County in accordance with Lee County regulations. Entrance gates that restrict public access and closed or gated streets are prohibited.

Sec. 32-225 Design of blocks.

- (1) Block perimeters may exceed 1,600 linear feet, up to a maximum of 2,000 linear feet, if one or more of the following conditions apply:
 1. The block is assigned to the Core transect zone;
 2. The long side of a rectangular block faces an arterial street, or is located adjacent to the Caloosahatchee River or any other natural water body; or
 3. The block contains valuable wetlands or other indigenous native vegetation that should not be crossed by a street.

Sec. 32-228(5) Parking structures.

- b. Parking structures may contain up to five levels of parking above grade. Parking structures may contain other uses above and below the parking levels, provided the entire building does not exceed the height allowed by Table 32-243.

Sec. 32-274(4)a. Minimum Diversity Requirements.

3. The minimum diversity requirements of LDC Sec. 32-274(4) a. are not applicable to regulating plans for the North Fort Myers Town Center.

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**TABLE 32-243
PROPERTY DEVELOPMENT REGULATIONS FOR EACH LOT TYPE**

Lot Type	LOT CHARACTERISTICS				SETBACKS							HEIGHT ⁴					Accessory Apt. ⁵ (max building footprint in sf)
					Street (min/max)				Side Yard (min)	Rear Yard ^{1,2} [min]	Water Body ³ [min]	(min/max in stories; max in feet)					
	Lot Area (sq. ft.)	Lot Width (ft.)	Frontage Percentage	Lot Coverage by all bldgs.(max)	Core	Center	General	Edge				Core	Center ²	General	Civic	Edge	
Pedestal Building Lot ⁶	no min no max	no min max 500	min 90% max 100%	100%	min 0 max 10	min 0 max 10	not permitted	not permitted	0	0	25	2 / 8 85	2 / 5 85	not permitted	not permitted	not permitted	not permitted
Liner Building Lot ⁶	no min no max	no min max 500	min 90% max 100%	100%	min 0 max 10	min 0 max 10	not permitted	not permitted	0	0	25	2 / 6 65	2 / 4 65	not permitted	not permitted	not permitted	not permitted
Mixed-Use Building Lot	no min no max	no min max 300	min 90% max 100%	100%	min 0 max 10	min 0 max 10	min 0 max 10	not permitted	0	3	25	2 / 5 65	2 / 4 65	2 / 3 45	not permitted	not permitted	not permitted
Apartment Building Lot	min 10,000 no max	min 100 max 200	min 80% max 100%	100%	min 0 max 10	min 0 max 10	min 5 max 10	not permitted	0	10	25	2 / 4 55	2 / 4 55	2 / 3 45	not permitted	not permitted	not permitted
Courtyard Building Lot ⁷	min 20,000 no max	min 150 max 300	min 50% max 90%	70%	min 0 max 10	min 0 max 10	min 5 max 10	not permitted	5	10	25	2 / 3½ 55	2 / 3½ 55	2 / 2½ 45	not permitted	not permitted	not permitted
Live-Work Building Lot	min 1,800 max 7,200	min 16 max 60	min 60% max 100%	80%	not permitted	min 0 max 6 12	min 5 max 10 12	not permitted	0	20	25	2 / 3 45 not permitted	2 / 3 45	2 / 2½ 45	not permitted	not permitted	625
Rowhouse Lot	min 1,800 max 3,840	min 16 max 32	min 90% max 100%	80%	not permitted	min 0 max 6 12	min 5 max 10 12	not permitted	0	20	25	2 / 3 45 not permitted	2 / 3 45	2 / 2½ 45	not permitted	not permitted	625
Apartment House Lot	min 4,800 max 18,000	min 48 max 120	min 70% max 90%	80%	not permitted	not permitted	min 10 max 25	not permitted	5	15	25	not permitted	not permitted	1 / 3 45	not permitted	not permitted	not permitted
Duplex Lot	min 5,000 max 10,800	min 35 max 90	min 60% max 90%	80%	not permitted	not permitted	min 10 max 20	15 no max	5	15	25	not permitted	not permitted	1 / 3 45	not permitted	1 / 2½ 45	not permitted
Cottage House Lot	min 2,400 max 4,800	min 24 max 40	min 70% max 90%	60%	not permitted	not permitted	min 5 max 20	10 no max	3	15	25	not permitted	not permitted	1 / 2 35	not permitted	1 / 2 35	not permitted
Sideyard House Lot	min 3,000 max 7,200	min 30 max 60	min 60% max 90%	50%	not permitted	not permitted	min 5 max 10	min 10 max 15	min 0 max 10 ⁸	15	25	not permitted	not permitted	1 / 3 45	not permitted	1 / 2½ 45	800
House Lot	min 4,000 max 8,400	min 40 max 70	min 60% max 80%	50%	not permitted	not permitted	min 10 max 20	15 no max	5	15	25	not permitted	not permitted	1 / 3 45	not permitted	1 / 2½ 45	800
Civic Building Lot	no min no max	no min no max	no min no max	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 65	1 / 4 55 65	1 / 4 55	1 / 4 65	1 / 4 55	1,250
Civic Space Lot	no min no max	no min no max	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	not permitted
Stormwater Lot	no min no max	no min no max	n/a	n/a	n/a	n/a	n/a	n/a	n/a	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 three (3) feet from the property line which is adjacent to the alley or lane.

(3) Fifty (50) feet 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. Habitable space within a roofline that is entirely non-habitable is not counted as a story with a 12:12 pitch or less counts as ½ story.

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

(6) On pedestal buildings, one or more step-backs of at least 20 14 feet must occur between the second through the fifth floor levels; above the second floor level. Said step-backs is defined as at least shall consist of at least 70% of a pedestal building's primary facade being built at least 20 14 feet further from all streets than the story below. In addition to these heights, buildings on Pedestal Building Lots and Liner Building Lots are allowed up to four (4) additional stories provided the square footage of each additional story is less than 30% 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 feet long if oriented east-west or 40 feet if oriented north-south. If the longer dimension is less than 35 feet; 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.

(8) One sideyard must be 10' min; the opposite side yard may be 0' if the adjacent lot is a Sideyard House Lot or if the adjacent lot provides a maintenance easement, otherwise the side yard must be 3' min.

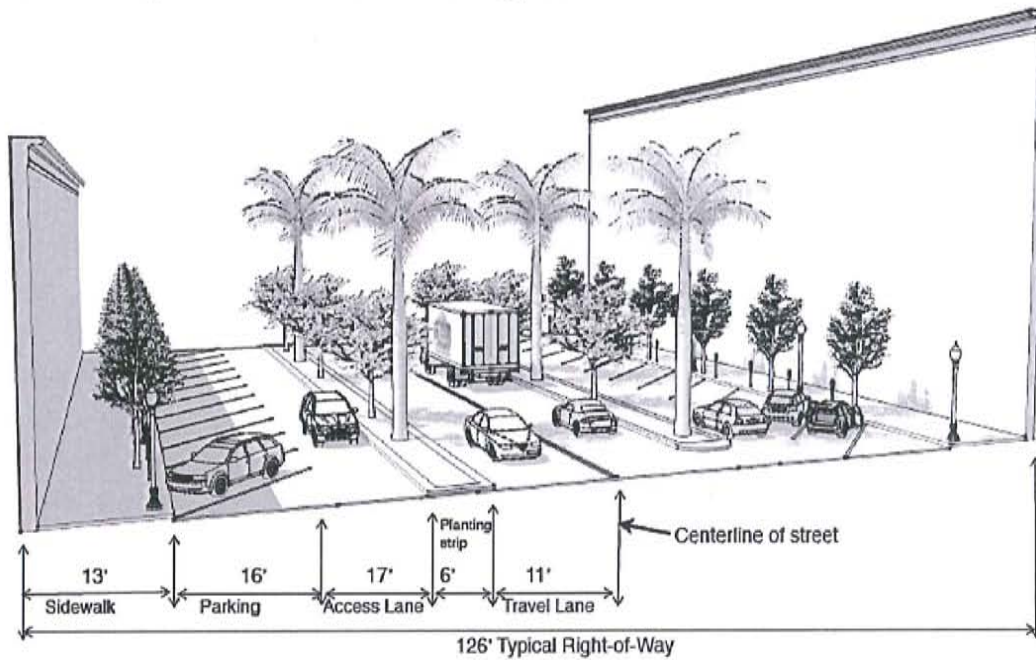
(9) Maximum height exception: For properties located in the Center Transect and having direct frontage on the Caloosahatchee River, the maximum height on any allowable building lot is 12 stories and 120 feet

Sec. 32-833. Street types. In addition to the regulations contained in LDC Sec. 32-221, the following street types are permissible in the North Fort Myers Town Center.

- (a) TC Gateway Drive is permissible in the Core transect zone.
- (b) Street G is permissible as an access roadway parallel to an arterial roadway in any transect in the Town Center.

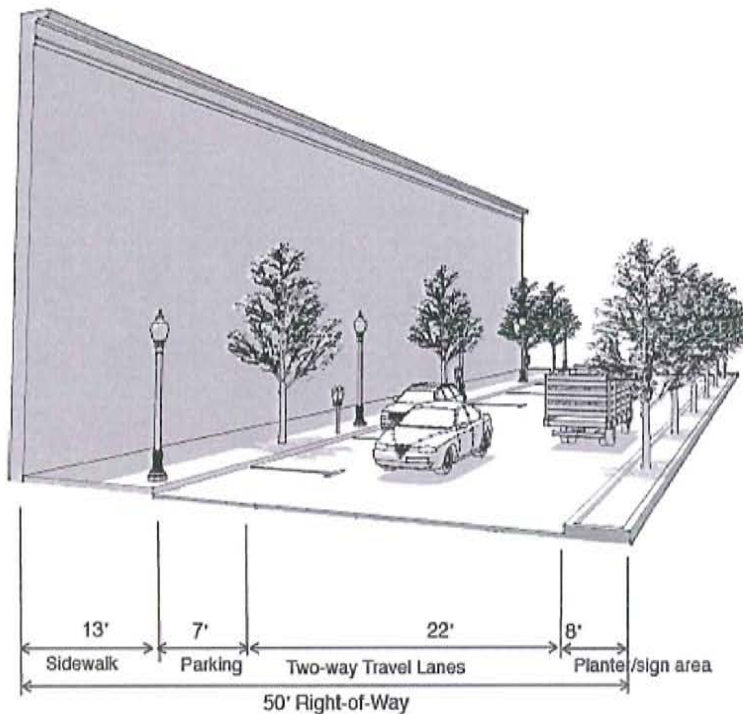
Sec. 32-834. Street Cross-sections. In addition to the regulations and illustrations contained in LDC Sec. 32-226, the following cross-sections apply to Streets TCG and G, respectively.

North Fort Myers Town Center Street Types - New



TC Gateway Drive

Two-lane, two-way travel lanes with medians and access drives and 45-degree angle parking on both sides of street



Street G Two-way parallel parking one side (with 50' ROW/Easement)

CHAPTER 33 PLANNING COMMUNITY REGULATIONS.

DIVISION 4. TOWN CENTER LAND DEVELOPMENT PROVISIONS

SUBDIVISION I. IN GENERAL

Sec. 33-1602. Applicability

The provisions of Division 4 apply to all properties located within the North Fort Myers Town Center as identified in Map 33-1602(a).

Map 33-1602(a)



Sec. 33-1603 Architectural standards

In addition to the requirements of LDC Sec. 10-620, all commercial, public and vertical or horizontal mixed-use buildings or development within the North Fort Myers Town Center must comply with “Urban Design Guidelines” applicable to Neighborhood Centers in North Fort Myers (LDC Sec. 32-805). These standards are applicable utilizing conventional zoning, planned development zoning, and/or Compact Communities per Chapter 32.

Sec. 33-1604 Use Regulations

In addition to uses permitted per LDC Table Sec. 32-244 for Compact Communities, the following uses per Table 32-1604 are permitted when utilizing Compact Communities per LDC Chapter 32 within the North Fort Myers Town Center. Live-Work units are also a permitted use in the North Fort Myers Town Center.

Development utilizing conventional zoning or planned development zoning may utilize uses per Subdivision IV “Commercial Corridor Use Regulations” LDC Sec. 33-1596.

TABLE 32-1604

LIST OF ADDITIONAL ALLOWABLE COMMERCIAL TYPE USES

DESCRIPTION OF USE	Special Notes or Regulations	Permissibility Status*
Boat sales		P
Building materials sales (34-622(c)(4))		P
Business services (34-622(c)(5)): Group II		SE
Cultural facilities (34-622(c)(10))		P
Insurance companies (34-622(c)(23))		P
Marina	34-1862	SE (Riverfront property only)
Marina, ancillary uses		SE (Riverfront property only)
Mass transit depot (government operated)		P
Multislip docking facility		SE (Riverfront property only)
Post Office		P
Recreation facilities: Commercial (34-622(c)(38)): Group III		P, Less than 10 acres SE, 10 or more acres
Transportation services, (34-622(c)(53)): Group I		SE (Riverfront property only)
Transportation services, (34-622(c)(53)): Group III		SE
Vehicle and equipment dealers, (34-622(c)(55)):Group	34-1352	P

I		
Vehicle and equipment dealers, (34-622(c)(55)):Group III	34-1352	P
Vehicle and equipment dealers, (34-622(c)(55)):Group IV	34-1352	SE
* Uses allowed by special exception may also be requested through PD zoning.		

**PROPOSED AMENDMENTS TO
THE NORTH FORT MYERS
NEIGHBORHOOD CENTERS
TONY PALERMO**

PROPOSED REGULATIONS AMENDING THE NORTH FORT MYERS
NEIGHBORHOOD CENTERS REGULATIONS

ARTICLE VIII. COMPACT COMMUNITY REGULATIONS FOR PLANNING
COMMUNITIES

DIVISION 1 NORTH FORT MYERS

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 utilizing Chapter 32 "Compact Communities". ~~These requirements supersede contradictory requirements in this code including the property development regulations for individual zoning districts in chapter 34.~~ Use of Chapter 32 "Compact Communities" is voluntary, not mandatory in the properties identified under LDC Sec. 32-801.

Sec. 33-1536. Compact Communities/Planned Developments.

~~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 or Planned Developments or amendments to existing Planned Developments per Chapter 34. All development activities and zoning actions, with the exception of variances and special exceptions, must utilize the process and requirements of Chapter 32. Special exceptions, deviations, and variances may be pursued utilizing the process per Chapter 10 or Chapter 34 of the Land Development Code.~~