

AN ORDINANCE CREATING THE GATEWAY PLANNED UNIT DEVELOPMENT (PUD); DEFINING THE TERRITORY TO BE INCLUDED AS PORTIONS OF SECTION 35, TOWNSHIP 44 SOUTH, RANGE 25 EAST, AND PORTIONS OF SECTION 31, TOWNSHIP 44 SOUTH, RANGE 26 EAST, AND ALL OF SECTIONS 1 AND 2 AND PORTIONS OF SECTIONS 3, 4, 10, 11 AND 12, TOWNSHIP 45 SOUTH, RANGE 25 EAST AND PORTIONS OF SECTION 5 AND 6 AND ALL OF SECTION 7, AND PORTIONS OF SECTION 8, 17, 18 AND 19, TOWNSHIP 45 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; ESTABLISHING THE LAND USES WITHIN THE PUD TO ALLOW SINGLE FAMILY AND MULTI-FAMILY USES, NEIGHBORHOOD/COMMUNITY CONVENIENCE CENTERS, TOWN CENTER, GENERAL OFFICE, BUSINESS/COMMERCIAL (TO INCLUDE SOME MANUFACTURING), GOLF COURSES, RECREATION AND CONSERVATION; AMENDING THE ZONING REGULATIONS FOR AN UNINCORPORATED AREA OF LEE COUNTY, FLORIDA, BY CHANGING THE ZONING DISTRICT CLASSIFICATION OF THE PROPERTY DESCRIBED HEREIN TO A PLANNED UNIT DEVELOPMENT (PUD); AMENDING THE DEVELOPMENT REGULATIONS FOR AN UNINCORPORATED AREA OF LEE COUNTY, FLORIDA AND SETTING FORTH THE DEVELOPMENT REGULATIONS FOR THE GATEWAY COMMUNITY; PROVIDING A PENALTY FOR VIOLATIONS AND ENFORCEMENT OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE:

WHEREAS, the Board of County Commissioners of Lee County Florida has been granted authority pursuant to Chapters 125 (Florida Statutes) and Chapter 61-2405 (Laws of Florida), to adopt zoning and development regulations for the unincorporated areas of Lee County, Florida; and

WHEREAS, Westinghouse Gateway Communities, Inc., the Developer of the Gateway Planned Community, have petitioned the Board of County Commissioners of Lee County to adopt this ordinance as the zoning and development regulations for the real property hereinafter described; and

WHEREAS, the petition and supporting material submitted by Westinghouse Gateway Communities, Inc. has been extensively reviewed by the Lee County staff, the Zoning Board, and the Board of County Commissioners and its various agencies; and

WHEREAS, all required public notices have been given and all applicable laws relating to the preparation and adoption of zoning and development regulations have been satisfied; and

WHEREAS, after due and proper notice was given of said public hearings, all interested persons were given an opportunity to be heard;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, that the hereinafter described real property located in the unincorporated area of Lee County, Florida, is designated as a Planned Unit Development (PUD) and development of the property shall be hereinafter subject to the conditions and requirements of this Ordinance.

SECTION ONE. SHORT TITLE

This ordinance shall be known and cited as the "Gateway PUD Ordinance".

SECTION TWO. PURPOSE AND INTENT

It is the purpose of this Ordinance to improve and protect the public health, safety and welfare by pursuing the following objectives:

- A. To encourage innovation in community development.
- B. To foster the safe, efficient, and economic use of the land and public facilities and services.
- C. To facilitate the provision of adequate public services such as transportation, water, sewerage, drainage, electricity, open space and parks.
- D. To encourage patterns of land use which decrease trip length of automobile travel and encourage trip consolidation.
- E. To improve the design, quality and character of new development.
- F. To foster a more rational pattern of relationships between residential, business and manufacturing uses for the mutual benefit of all.
- G. To set forth the standards and guidelines for the future development of the property.

It is the intent of the Board of County Commissioners in rezoning the herein described property to PUD, that all areas within the described property which have not been submitted for Area Master Plan Approval as required in Section 3.02, may continue to be used for the raising of livestock for the purpose of sale.

However, no increase in level of this activity will be allowed. All such use must be phased out in 10 years unless specifically provided for in an approved Area Master Plan.

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SECTION I

NAME, LOCATION, OWNERSHIP, GOALS, AND GENERAL PLAN OF DEVELOPMENT

1.01 NAME

The community shall be known as GATEWAY.

1.02 LOCATION

The community is generally bordered on the north by Colonial Boulevard and State Road 82, on the east by vacant agricultural land, on the south by the Southwest Florida Regional Airport and on the west by Six Mile Cypress Strand, and consists of portions of Section 35, Township 44 South, Range 25 East, and portions of Section 31, Township 44 South, Range 26 East, and all of Section 1 and portions of Sections 2, 3, 4, 10, 11 and 12, Township 45 South, Range 25 East and portions of Sections 5 and 6 and all of Section 7, and portions of Sections 8, 17, 18 and 19, Township 45 South, Range 26 East, Lee County, Florida as more particularly described on Exhibit "A" hereto.

1.03 OWNERSHIP

Of the approximately 5,319 gross acres subject to this Ordinance, 1,500 gross acres are owned by Westinghouse Gateway Communities, Inc., a Florida corporation. The balance of the property is under Exclusive Option to Westinghouse Gateway Communities, Inc. as described in Exhibit "B", Evidence of Control of Property.

1.04 GENERAL GOALS OF DEVELOPMENT

The overall objective of this Ordinance is to facilitate and control the establishment of the GATEWAY Community as a balanced community which is sensitive to its environmental setting and responsive to the dynamics of the needs and market of Lee County.

GATEWAY is planned as a balanced community which will provide a mixture of uses including residential, office, commercial, manufacturing, golf course(s) and open space, government facility site(s), utility site(s), school site(s), neighborhood and community park(s), and protected sensitive areas.

The Community Plan shown on Exhibit "C" represents the overall GATEWAY Plan submitted to and approved in concept by Lee County and the Southwest Florida Regional Planning Council as a Development of Regional Impact under Chapter 380 F.S.

The total acreage of the Community Plan is approximately 5,319 acres. This plan consists of some 4,025 gross acres of residential uses which account for about 76 percent of the total acreage. 19,932 dwelling units of mixed types ranging from single family detached homes to multistory residential buildings are included. Commercial and business uses account for approximately 816 acres. The remainder of the land is planned for community facilities, schools and institutional activities (190 acres); a community recreation center (30 acres); and rights-of-way for the primary transportation system.

1.05 GENERAL PLAN OF DEVELOPMENT

The Community is planned as a series of nine (9) areas as shown in Exhibit "C". The approximate gross acreage of each area as well as the anticipated number of dwelling units, acres of commercial development, and other facilities proposed for each area, as indicated in Table 1, Area Master Plan Development Program.

AREA MASTER PLAN DEVELOPMENT PROGRAM

Area No.	1	2	3	4	5	6	7	8	9
Residential Units	1850	1848	2356	2342	2864	2692	2752	3024	204
Overall Open Space Acres	248	117	211	132	243	176	235	140	159
% Total Acreage	29%	33%	23%	23%	39%	37%	39%	27%	42%
Institutional (Acres)									
Elementary School	20			20			20	20	
Middle School			30		30				
High School			50						
Office/Commercial (Acres)									
Neighborhood Convenience Ctr.	10		10		10			10	
Community Convenience Ctr.				20			20		
Town Center)									
General Office)	300		436						
Office/Commercial)									
R.O.W. (Acres)	55	10	60	20	30	30	31	26	
Reserve Area (Acres)			242	78	59	32		20	
Total (Acres)	857	356	919	576	630	471	609	522	379

As indicated, eight (8) of the areas are planned as primarily residential and one - located at the southern end of the Community - is planned as being primarily commercial and manufacturing. The residential areas will be comprised of a compatible mix of housing types arranged in neighborhoods of comfortable size. Convenience shopping, employment opportunities, community and institutional facilities, recreational opportunities, and schools will be located within GATEWAY.

The 19,932 residential units and 816 acres of commercial development planned for GATEWAY are expected to be constructed over a forty (40) year period. As development progresses, related support facilities and amenities will be provided.

1.06 INTERPRETATION OF COMMUNITY PLAN

Boundaries shown on the Exhibits attached to this Ordinance are recognized as being approximate and for illustrative purposes only. Modifications shall be permitted at the time of Area Master Plan approval to accommodate topography, vegetation, or other site related conditions, provided that the Board of County Commissioners makes a determination that the modifications are in accordance with the intent and spirit of the plan.

1.07 PERMITTED VARIATIONS

The Master Developer shall be permitted to increase the number of dwelling units to be located in any area by a maximum of ten (10) percent over the projected number of units per area indicated in Table I, PROVIDED THAT:

- A. The total number of dwelling units in the community does not exceed 19,932; and
- B. Any proposed increase in an area shall be indicated at the time of Area Master Plan approval.

The Master Developer shall be permitted to decrease the open space in each area up to 25%, PROVIDED THAT:

- A. The overall open space in the community does not decrease; and
- B. Any proposed decrease shall be indicated at the time of Area Master Plan approval.

RESERVE AREA

There shall be a reserve area of 660 feet in Areas 4, 5, 6 and 8 abutting the section lines of Section 36, Range 25E, Township 45S. The reserve area is to insure that non-compatible residential uses are not phased in close proximity to industrial uses and zoning. This includes all agricultural or otherwise zoned properties used or which have been used for industrial purposes (e. g., Landfill, etc.).

A reserve shall also be located along the eastern boundary of Gateway as shown in Exhibit C. The reserve area shall be compatible with existing and proposed conditions, and such determinations shall be made at the time of Area Master Plan review. There shall be no transfer of density or uses without going through the Area Master Plan process.

FRACTIONALIZATION OF TRACTS

For purposes of enabling the County to maintain an accurate accounting of the number of dwelling units being constructed within the Community and their location, the following procedures shall be followed:

- A. At the time the Master Developer sells an entire tract or a building parcel (fraction of a tract) to a subsequent owner, the Master Developer shall provide the Director with a boundary drawing showing the tract and the building parcel therein when applicable. The drawing shall detail the acreage of the property being sold and, in the case of a residential property, the total number of dwelling units assigned to the property. Such number of dwelling units shall not exceed the number designated at the time property was platted and if not platted the number of units permitted under Section 3.02.05 of this Ordinance. Thereafter, the number of units constructed on the property subject to the submission shall not exceed the number submitted by the Master Developer pursuant to this Section.
- B. In the event any residential tract or building parcel is sold by any subsequent owner, as identified in Section 1.08.A., in fractional parts to other parties for development, such subsequent owner shall, prior to the sale of a fractional part, provide to the Director a boundary drawing showing his originally purchased tract or building parcel and the fractional parts therein and the number of dwelling units assigned to each of the fractional parts. The drawing shall also show the location and road type access to those fractional parts that do not abut a public street.

SECTION II

DEFINITIONS

2.01 GENERAL

Unless specifically defined herein, words contained in this PUD document shall have their usual and common meanings. For the purpose of this Ordinance the following analogous words and terms shall be interpreted to have similar meanings when not inconsistent with the context:

- A. Words used in the singular number include the plural, and words used in the plural number include the singular.
- B. Words used in the present tense include the future tense.
- C. The word "constructed" includes the word "erected," "built," "installed," "rebuilt," and "repaired."
- D. The word "structure" includes the word "building."
- E. The word "subdivider" includes the word "developer", and the word "developer" includes the word "subdivider".
- F. The word "include" is a word of enlargement and not limitation.
- G. The word "shall" is mandatory, and the words "should" and "may" are permissive.

2.02 SPECIFIC DEFINITIONS:

Except where specific definitions are used with a specific section of this Ordinance for the purpose of such section, the following terms, phrases, words, and their derivations shall have the meaning given herein when not inconsistent with the context:

Abutting Properties: Properties having a boundary line or a portion of a boundary line in common with no intervening street right-of-way or easement, or any other easement over twenty five (25) feet in width.

Accessory Use or Structure: A use or structure of a nature customarily incidental and subordinate to the principal use or structure, and unless otherwise provided, on the same premises. On the same premises with respect to accessory uses and structures shall be construed as meaning on the same lot or building parcel or on an abutting lot or building parcel in the same ownership. Where a building is attached to the roof line of principal building, it shall be considered a part thereof, and not an accessory building except where otherwise stated.

Acre: An area of land containing 43,560 square feet. Gross acreage is the total area of a lot or parcel of land measured within the perimeter boundaries of the lot or parcel. Net acreage is the total area of a lot or parcel measured within the perimeter boundaries of the lot or parcel but with the area of public rights-of-way excluded. Unless specifically stated otherwise, all use of the word "acre" in this ordinance shall mean "net acres".

Agriculture: The cultivation of the soil, the production of crops, and the raising of livestock for the purpose of sale. The definition includes the accessory uses of packing, treating, or storing the crops raised on the premises, but shall not include facilities for processing agricultural commodities brought from off the premises unless such off-premises production is under the same ownership and control.

Alteration: Any change in size, shape, character, or use of a building or structure.

Arterial: See the definition of Street.

Automobile Service Stations - Minor Repairs: Includes the sale of gasoline and minor vehicle servicing including, but not limited to oil change and lubrication, radiator cleaning and flushing, tire changing, car washing, and other similar services.

Automobile Service Stations - Major Repairs: Includes any major body work performed on vehicles including, but not limited to T.B.A.'s, painting, finish work, body repair, muffler installation, brake relining, upholstery, engine rebuilding, etc. Specifically excluded is any major salvage or stripping operation such as salvage yards.

Automobile Wrecking or Automobile Wrecking Yard: The dismanteling, crushing, shredding, or disassembling of used motor vehicles or trailers, or the storage, sales or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles or their repairs.

Board of Adjustment and Appeals: Shall mean the Board of County Commissioners of Lee County, Florida, until a Board of Adjustment and Appeals is created pursuant to Lee County's Zoning regulations and members are appointed, which shall then serve as the Board of Adjustment and Appeals pursuant to this ordinance.

Board: The Board of County Commissioners of Lee County, Florida.

Building: Any structure, either temporary or permanent, having a roof impervious to weather, and used or built for the shelter or enclosure of persons, animals, chattels, or property of any kind. This definition shall include tents, awnings, cabanas, or vehicles situated on private property and serving in any way the function of a building, but does not include screened enclosures not having a roof impervious to weather.

Building, Frontage: That side of a building that faces toward the principal road, street, highway, or public way serving the building. In cases where this test is indeterminate or cannot be applied, as for instance where there is a diagonal corner entrance or where two (2) sides of a building have entrances of equal importance and carry approximately equal volumes of pedestrian or automotive traffic, the Director shall select building frontage on the basis of interior layout of the building, traffic on adjacent streets, or other indicators available. (See also Lot Frontage)

Building, Height of: The vertical distance measured from the first finished floor to the highest point of the roof surface of a flat or Bermuda roof, to the deck line of a mansard roof and to the mean height level between eaves and ridge of gable, hip and gambrel roofs. Where minimum floor elevations in flood prone areas have been established by law, the building height shall be measured from such required minimum floor elevations.

Building Parcel or Site: A portion of land or property located within a platted tract and which is intended for development as a residential neighborhood or commercial project.

Cafeteria: A restaurant in which the customers serve themselves or are served at a counter but take food to the tables to eat.

Carport: A freestanding or attached structure, consisting of a roof and supporting members such as columns or beams, unenclosed from the ground to the roof on at least two (2) sides, and designed or used for the storage of motor-driven vehicles owned and used by the occupants of the building to which it is accessory.

Change of Occupancy: The discontinuance of an existing use and the substitution therefore of a use of a different kind or class. Change of occupancy is not intended to include a change of tenants or proprietors unless accompanied by a change in the type of use.

Child Care Center: An establishment where four (4) or more children, other than members of the family occupying the premises, are cared for away from their own home by day or night. Ther term includes day nurseries, day care service, day care agency, nursery school, or play school. The term does not include foster homes.

Church: A building used as a place of worship and religious education, and for customary accessory uses, by a body or organization of religious believers.

Clinic, Medical or Dental: An establishment where human patients who are not lodged overnight are admitted for examination and treatment by one person or a group of persons practicing any form of the healing arts, whether such persons be medical doctors, chiropractors, osteopaths, chiropodists, naturopaths, optometrists, dentists, or any such medical profession, the practice of which is regulated by the State of Florida. A public clinic is one operated by any governmental organization for the benefit of the general public. All other clinics are private clinics.

Clinics, Veterinary: Any structure or premises used primarily and essentially for the medical and surgical care of ill, injured, or disabled animals other than humans.

Club, Night: A restaurant, dining room, bar, or other similar establishment, providing food or refreshments, wherein paid floor shows or other forms of paid entertainment are provided for customers as a part of the commercial enterprise.

Club, Private: Those associations and organizations of a civic, fraternal or social character not operated or maintained for profit, and to which there is not unrestricted public access or use. The term "private club" shall not include casinos, nightclubs, bottle clubs, or other establishments operated or maintained for profit.

Cluster Development: Two (2) or more principal buildings on a single parcel of ground in single ownership at the same time of development, with frontage on a public street or approved private street.

Coctail Lounge or Bar: Any establishment or part thereof devoted primarily to the retailing for on-premises consumption of malt, vinous, or other alcoholic beverages.

Community: Community shall refer to all of Gateway.

Community Facility: Community facilities refer to schools, parks, libraries, protective services, utilities, and other government facilities.

Collector: (See the definition of Street).

Commercial Equipment: Any equipment commonly used in a commercial business, i.e., contractors equipment, earth moving machinery, utility trailers, and devices used for the transportation of equipment, materials or merchandise.

Commercial Vehicle: Any vehicle that has rated load capacity of one (1) ton or more and is used in conjunction with a commercial or business activity.

Communications Towers: Any structure erected and so designed to receive or transmit electronic waves, such as telephone, television, radio or microwave transmissions.

Concept Plan: A sketch plan showing an idea or proposed concept by which the developer and the County can exchange views and opinions concerning the developers proposal, before committing himself to more detailed construction drawings.

Condominium: That form of ownership of property under which units or improvements are subject to ownership by one or more owners, and there is appurtenant to each unit a part thereof an undivided share in common elements.

Construction, Actual: The placing of construction materials in a permanent position and fastened in a permanent manner; except that where demolition, excavation or removal of an existing structure has been substantially begun preparatory to new construction, such excavation, demolition, or removal shall be deemed to be actual construction, provided that work shall be continuously carried on until the completion of the new construction involved. Actual construction shall include only that begun and carried on under a valid building permit.

Contiguous Property: See Abutting Property.

Convalescent Home: See Nursing Home, Rest Home, or Extended Cre Facility.

County: The County of Lee, Florida.

County Administrator: The County Administrator or Manager of Lee County or his or her duly authorized designee.

Court: An open space, other than a required yard, on the same lot with a building and which is bounded on three (3) or more sides by the walls of such building. A court can contain shrubs, statuary, trees, and yard furniture. An interior court is a court enclosed on all sides by the walls of a building or by walls and lot lines on which walls are permitted. An exterior court is a court opening on any front, side or rear yard.

Day Nursery: See Child Care Center.

Depth of A Lot: See Lot Measurement, Depth.

Developer: Any individual, corporation, partnership, or other business entity engaged in the business of constructing or having constructed residential dwelling units or commercial space for sale or lease to the general public.

Development: The act, process, or result of placing buildings and/or structures on a lot or parcel of land.

Director: Shall mean and refer to the Administrative Director, Division of Community Development of Lee County or his designated representative.

Division: Shall mean the division charged with the planning and administration of zoning and development review for the unincorporated area of Lee County which is presently titled Division of Community Development.

Drive-In Bank or Financial Institution: A drive-in bank or financial institution provides drive-in teller service, where the patron makes withdrawals or deposits or receives other financial services without departing from his vehicle.

Drive-In Business: An establishment other than a drive-in restaurant or refreshment stand, drive-in bank or financial institution, or drive-in theatre, where a patron is provided products or services without departing from his automotive vehicle.

Drive-In Restaurant or Refreshment Stand: Any place or premises where provision is made on the premises for the selling, dispensing, or serving of food, refreshments, or beverages in automobiles and/or in other than a completely enclosed building on the premises, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages in automobiles on the premises and/or in other than a completely enclosed building on the premises. A restaurant which provides drive-in facilities of any kind in connection with regular restaurant activities shall be deemed a drive-in restaurant for the purpose of this Ordinance. A barbecue stand or pit having the characteristics noted in this definition shall be deemed a drive-in restaurant.

Drive-In Theatre: A place of outdoor assembly used for the showing of plays, operas, motion pictures, and similar forms of entertainment which is designed to permit the audiences to view the performance from vehicles parked within the theatre enclosure.

Dwelling, Single-Family Attached: A one family residential structure attached to another unit or units by a common wall, and where no residential structure is located on top of another residential structure.

Dwelling, Single-Family Detached: A one family residential structure not attached to any other unit or units. For regulatory purposes, the term is not to be construed as including mobile homes, travel trailers, housing mounted on motor vehicles, tents, houseboats, or other forms of temporary or portable housing.

Dwelling, Multi-Family: A structure containing more than two dwelling units, when said dwelling units are located one on top of another.

Dwelling Unit: A room or rooms connected together, constituting a separate, independent housekeeping establishment for a family, for owner occupancy, or for rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing sleeping and sanitary facilities and one kitchen. The term dwelling unit shall not include hotels, motels or institutional facilities.

Environmental Quality: The character or degree of excellence or degradation in the total essential natural resources of the area as measured by the findings and standards of the physical, natural, and social sciences, the arts and technology, and the quantitative guidelines of Federal, State and County governments.

Essential Services: Services designed and operated to provide water, sewer, gas, telephone, electricity, cable television or communications to the general public by providers which have been approved and authorized according to laws having appropriate jurisdiction.

Family: One or more persons occupying a single dwelling unit, provided that, unless all members are related by law, blood, adoption, or marriage, no such family shall contain over four (4) persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a separate or additional family or families. The term family shall not be construed to mean a fraternity, sorority, club, monastery or convent, or institutional group.

Fee Schedule: A schedule of fees adopted by the Board of Commissioners, which sets forth fees to be charged for hearings, permits, and other reviews, and which is updated from time to time.

Flood Plain: Those areas defined by the Lee County Flood Damage Prevention Ordinance.

Floor Area: Except as may be otherwise indicated in relation to particular districts and uses, "floor area" shall be construed as the sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls or from the centerline of common walls separating two buildings, excluding parking structures and 15% of the total floor area to account for enclosed or unenclosed stairs or fire escapes, elevator structures, cooling towers, areas devoted to air conditioning, ventilating or heating or other building machinery and equipment, and crawl space where the ceiling is not more than an average of forty-eight (48) inches above the general finished grade level of the adjacent portion of the lot.

Flow-way: A shallow surface water conveyance system resulting from topographical features, which during periods of surface water inundation moves water to a point of discharge. Flow-ways may take various forms such as, but not limited to, natural cypress sloughs and wet prairies, or shallow human created swales.

Frontage of a Building: See Building Frontage.

Frontage of a Lot: See Lot Frontage.

Garage, Parking: A building or portion thereof designed or used for temporary parking of motor vehicles, and within which gasoline and oils may be sold only to parking patrons of the garage.

Garage, Private: An accessory structure designed or used for inside parking of private passenger vehicles, recreation vehicles, or boats, solely by the occupants of the main building. A private garage attached to or a part of the main structure is to be considered part of the main building. There can be no public shop or mechanical service in connection with a private garage.

Guest House or Cottage: An accessory dwelling unit which might or might not include cooking facilities, which is incorporated, attached to, or detached from a principal dwelling; and which is used exclusively for the non-commercial accommodation of friends or relatives of the occupant or owner of the principal dwelling.

Height of a Building: See Building, Height of.

Home for the Aged: A facility for the care of the aged with routine nursing and/or medical care and supervision provided. A home for the aged is in the nature of a nursing home, but with clientele restricted to the aged.

Hospice: An institution designed to provide comfort and relief for the emotional and physical needs of the terminally ill.

Hospital: A building or group of buildings having facilities for overnight care of one or more human patients, providing services to in-patients and medical care to the sick and injured, and which may include as related facilities laboratories, out-patient services, training facilities, central service facilities and staff facilities; provided, however, that any related facility shall be incidental and subordinate to principal hospital use and operation. A hospital is an institutional facility within the terms of this ordinance.

Hotel: A facility offering transient lodging accommodations to the general public and which may provide such additional incidental services and facilities as retail shopping, meeting rooms, and recreational facilities.

Institutional Facilities: Adult Congregate Living Facility, Extended Care Facility, Convalescent Homes, Life Care Facilities, Rest Homes, Homes for the Aged, Adult Foster Homes, Children Homes, Rehabilitation Centers, Licensed Skilled Nursing Facilities, and other similar uses.

Land Preparation: Any activity involving recontouring of the land including, but not limited to, sloping, grading, excavating, filling, road construction and other similar activities.

Loading Space, Off-Street: A space logically and conveniently located for pickups and/or deliveries or for loading and/or unloading, scaled to delivery vehicles expected to be used and accessible to such vehicles when required off-street parking spaces are filled.

Lot: A portion of land platted or designated for the construction thereon of a single family attached or detached dwelling unit.

Lot or Parcel Frontage: The distance measured along a straight line between the points of intersection of the side lot or lot lines with the street right-of-way or easement.

Lot or Parcel Measurement, Depth: Depth of a lot or parcel is considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot or parcel lines in front and the rearmost points of the side lot or parcel lines in the rear.

Lot or Parcel Measurement, Width: Width of a lot or parcel shall be considered to be the average distance between straight lines connecting front and rear lot or parcel lines at each side of the lot or parcel, measured as straight lines between the foremost points of the side lot or parcel lines in front (where they intersect with the street line) and the rear most points of the side lot or parcel lines in the rear, provided however, that the width between the side lines at their foremost points in the front shall not be less than eighty (80) percent of the required lot or parcel width, except in the case of lots on the turning circle of a cul-de-sac in which case the 80% requirement shall not apply.

Lot Types: The following is the terminology used, in this Ordinance with reference to corner, interior, reversed frontage, and through lots or parcels. For purposes of this definition, the terms lots and parcels shall be synonymous:

- A. A corner lot is defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.
- B. Interior lot is defined as a lot other than a corner lot with only one frontage on a street.
- C. Through lot is defined as a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

Master Developer: Shall mean and refer to Westinghouse Gate Communities, Inc., its successors, assigns, and designees.

Major Recreational Equipment: Boats and boat trailers, travel trailers, pickup campers or coaches (designed to be mounted on motorized vehicles), motorized dwellings or motor homes, tent trailers, popout campers, houseboats, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

Model Home: A residential structure used for demonstration purposes or sales promotion, not occupied as a dwelling unit, and open to the public for inspection.

Modular Home: A dwelling unit, constructed as a total entity, or in parts of a total entity, which is constructed other than on the building site and which is then moved to and erected on the building site. A modular home must be constructed to meet the standards of all Lee County Construction Codes and to the standards set by the State of Florida for such construction. A mobile home is not to be considered a modular home unless its maker's name appears on the approved listing of such construction in the State of Florida.

Motor Home: A vehicular unit built on a self-propelled motor vehicle chassis, primarily designed to provide temporary living quarters for recreational, camping, or travel use.

Motel: An establishment providing transient lodging accommodations or cottages with at least 25% of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

Neighborhood: An area of a village with characteristics which distinguish it from other village areas and which may include residential units or commercial structures having a common architectural theme, or of a similar type. These areas may also contain private recreational facilities intended for the exclusive use of the neighborhood residents.

Night Club: See Club, Night.

Nursery School: See Child Care Center.

Nursery, Plant: Any lot, structure or premises used as an enterprise for the purpose of growing or keeping of plants for sale or resale.

Nursing Home, Rest Home or Extended Care Facility or Adult Congregate Living Facility: A private home, institution, profit or not, including those places operated by units of government, which undertakes through its ownership or management to provide for a period exceeding twenty-four (24) hours, maintenance, personal care, or nursing for three (3) or more persons not related by blood or marriage to the operator, who by reason of illness, physical infirmity, or advanced age, are unable to care for themselves; provided that this definition shall include homes offering services for less than three (3) persons where the homes are held out to the public to the establishments which regularly provide nursing and custodial services.

Office, Business: An office for such activities as real estate agencies, advertising agencies (but not sign shop), insurance agencies, travel agencies and ticket sales, chamber of commerce, credit bureau, abstract and title agencies or insurance companies, stockbroker, and the like. It is characteristic of a business office that retail or wholesale goods are not shown to or delivered from the premises to a customer. A barber or beauty shop is not a business office.

Office, Professional: An office for the use of a person or persons generally classified as professionals, such as architects, engineers, attorneys, accountants, doctors, lawyers, dentists, psychiatrists, psychologists, and the like.

Open Space: Areas not occupied by a structure (excluding power line structures) including but not limited to golf courses, landscaped rights-of-way, landscaped portions of parking areas, parks, playgrounds, conservation district areas, agricultural areas, flow-ways, FP&L easement and lakes.

Package Store: A place where alcoholic beverages are dispensed or sold in containers for consumption off the premises.

Parcel: See Building Parcel.

Patio or Porch: A roofed-over space, with the roof impervious to weather, attached to the outside of an exterior wall of a building, which has no enclosure other than the exterior walls of such building. Open mesh screening shall not be considered an enclosure.

Private Club: See Club, Private.

Public Resource: Land, air, water and wildlife which is part of the public domain or which is within the realm embracing inherent rights that belong to the community at large and in which the community shares the rights and benefits of such resource.

Recreational Facilities Not Accessory to Principal Uses: Uses similar to customary residential accessory uses such as swimming pools, tennis courts, accessory clubhouses, or parks which will be under common ownership and serve more than one (1) residence.

Recreational Club: An association established to specifically provide for the conduct of leisure activities, sports activities, hobbies, games, or other recreational activities as well as related activities including, but not limited to, food service, non-alcoholic beverage service and sales, lockerroom and shower facilities, workshops, and meeting facilities which further the enjoyment, entertainment, relaxation, and comfort of those persons which the club is intended to serve.

Restaurant: An establishment where food is ordered from a menu, prepared and served for pay primarily for consumption on the premises. A drive-in restaurant is not a restaurant. A cafeteria is a restaurant for the purpose of this Ordinance. (See also definitions of Drive-In Restaurant, Fast Food Restaurant, and Cafeteria)

Restaurant, Fast Food: An establishment where food is prepared and served to the customer in a ready-to-consume state for consumption either within the restaurant building, outside the building but on the same premises, or off the premises and having any combination of two or more of the following characteristics:

- A. A limited menu, usually posted on a sign rather than printed on individual sheets or booklets;
- B. Self-service rather than table service by restaurant employees;
- C. Disposable containers and utensils; or
- D. A kitchen area in excess of 50% of the total floor area.

A cafeteria or delicatessen shall not be deemed a fast-food restaurant for the purpose of this Ordinance.

Rest Home: See Nursing Home.

Schools: An educational facility that meets academic standards as provided by the State of Florida.

Self-Service Fuel Pumps: Vehicle fuel dispensing pumps providing an accessory use to a permitted retail trade establishment but in which only "self-service" pumps are provided and no other vehicle service is provided.

Self-Service Fuel Pump Service Station: An establishment which is primarily for the purpose of retail selling of motor vehicle fuels and in which no other vehicle service is provided. Ancillary sales may include some convenience commodities such as tobacco or dairy products.

Setback Line: A line marking the minimum distance between a right-of-way line, property line, bulkhead line, shoreline, access easement line or other defined location and the beginning point of a required yard or the buildable area, as this Ordinance may require in the particular case.

Shopping Center: A retail sales facility consisting of five (5) or more retail outlets or having a gross floor area exclusive of supermarkets of more than 25,000 square feet, whichever shall apply.

Site Alteration: Any modification, change or transformation of any portion of a lot or parcel of land including, but not limited to, the removal, displacement or relocation of trees, plants and vegetation, the addition or removal of earth materials, and the creation, retention, or relocation of drainage courses or water areas.

Special Exception: A use that would not be appropriate generally or without restriction throughout a zoning district, but which controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, order, comfort, convenience, appearance, or prosperity, may be permitted, in accordance with Lee County Zoning Regulations.

Story: That portion of a building included between a floor which is calculated as part of the building's habitable floor area and the floor or roof next above it.

Street: The term street shall be synonymous with the terms "avenue", "boulevard", "drive", "lane", "place", "road", "way", or similar terms and shall mean and refer to: An accessway right-of-way, or roadway which affords the principal means of ingress or egress to two (2) or more parcels of land.

Street Frontage: That portion of the lot or parcel which borders on the street; corner lots or parcels have two (2) frontages.

Structure: Anything constructed or erected to a height of 30 inches or more above grade which requires a fixed location on the ground, or in the ground, or attached to something having a fixed location on or in the ground.

Sufficient Copies: The number of copies of a plan or other document which, in the opinion of the Director, is required to allow proper distribution to all reviewing agencies.

Supermarket: A departmentalized self-service retail market which primarily sells food items, but also may sell household items, personal items and other merchandise. Such facility is generally, but not necessarily, part of a chainstore system which may exist as an individual structure or as an integrated structure within a shopping center and which exceeds 20,000 square feet.

Tract: A designated area of land or property established by plat and consisting of one or more building parcels.

Trailer. A wheeled conveyance drawn by other motive power.

Trailer, Camping or Pop-Out: A wheeled conveyance drawn by other motive power designed for travel, recreation, and vacation use and which is made up of elements which fold into a compact assembly for travel.

Trailer, Travel: A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation purposes, which: (1) is identified by the manufacturer as a travel trailer; (2) is not more than eight (8) feet in body width; and (3) provided its body length does not exceed thirty-eight (38) feet.

Use: The purpose of which land or water or a structure thereon is designated, arranged, or intended to be occupied or utilized or for which it is occupied or maintained. The use of land or water within the Gateway community is governed by this Ordinance.

Variance: A relaxation of the terms of this Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Ordinance would result in unnecessary and undue hardship. Establishment or expansion of a use otherwise prohibited or not permitted shall not be allowed by variance.

Vehicle Sales - Rental: Includes, but is not limited to, the sale (or rental) of new or used automobiles, boats, buses, campers, mobile homes, motorcycles, trucks, vans and recreational vehicles or trailers, but excluding farm implements and heavy construction equipment. Ancillary servicing of vehicles is a permitted use.

Yard, Generally: A required open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure from thirty (30) inches above the general ground level of the graded lot upward; provided, however, that fences, walls, hedges, poles, posts, children's play equipment, pools, and other customary yard accessories, ornaments, statuary and furniture may be permitted in any yard subject to height limitations and requirements limiting obstructions to visibility.

Environmentally Critical Areas, Wetland Areas, Environmentally Sensitive Areas, Seasonal Transitional Areas, and Conservation Areas are terms used interchangeably throughout the P.U.D. Ordinance, and the Development Ordinance. When used, these terms shall mean and include one or all of the following:

- a. Resource Protection Areas, areas or lands that exhibit soil types, hydrologic and vegetation characteristics of freshwater and saltwater wetlands. They are areas in which it is necessary to protect, conserve, restore or preserve water resources systems and the biological functions attendant thereto.
- b. Transitional Zones, areas or lands that may be seasonally inundated from one to three months as indicated by water marks, do not have depressional soils, and are characterized by a mixture of plant species typical of uplands and wetlands. These areas consist of important water resource areas that are adjacent to major freshwater wetland sloughs and provide protection and buffering from fire, water pollutants and exotic vegetation.
- c. Habitats of rare and endangered plant and animal species.

SECTION III

PROCEDURES FOR DEVELOPMENT REVIEW

3.01. GENERAL CONDITIONS AND PROCEDURES

The GATEWAY Community Plan received a Development Order from the Lee County Board of County Commissioners on May 31, 1985. This Development Order contained certain conditions for the development of the GATEWAY Community, including a series of plan approvals as follows:

A. Area Master Plan

Prior to the development of any portion of GATEWAY, the Master Developer shall submit, for approval by the Board of County Commissioners, an Area Master Plan for that portion of GATEWAY. The requirements for Area Master Plan submittals are found in Section 3.02.

B. Final Plans and Plats

Subsequent to the approval of an Area Master Plan, the Master Developer or any other developer shall submit final plans and plats for the portion of the approved Area Master Plan to be developed. The requirements for Final Plan and Plat submittals are found in Section 3.03.

No land preparation shall be started prior to approval of the Final Plans in accordance with Section 3.03.

C. Parcel Plans

Prior to obtaining building permits for construction of permanent buildings or structures, the developer shall submit detailed plans for the parcel, tract or lot to be developed. Requirements for Parcel Plan submittals are found in Section 3.04.

D. Site Plan Approval

Certain types of uses, buildings or structures require a Site Plan Approval by the Director prior to obtaining Parcel Plan approval. Requirements for site plan approval submittals are found in Section 3.05.

3.02 PROCEDURES FOR AREA MASTER PLAN APPROVAL

3.02.01 REQUIREMENTS

Prior to commencing any development construction with GATEWAY, the Master Developer shall submit for review and approval, an Area Master Plan for that area(s) of GATEWAY to be developed, in accordance with requirements of this section as well as Section 1.05.

The purpose of such Plan shall be to set forth the Master Developer's plans for one or more areas as indicated in Exhibit "C" and to begin the process of refining how the Community will be subdivided; the location of major roads, utilities, and water management facilities; the type of use(s) proposed for each sub-area (e.g. commercial, multiple family, single family attached, single family detached, etc.), and the projected number of dwelling units proposed for each residential sub-area.

3.02.02 INITIATION OF REVIEW

A. PRE-SUBMISSION CONFERENCE

At least 30 days prior to the submission of an Area Master Plan, the Master Developer shall request a pre-submission conference with the Director of the Lee County Division of Community Development. Notice of the pre-submission conference shall be given to the heads of all departments of Lee County government, the Executive Director of the Southwest Florida Regional Planning Council and the Lee County Board of County Commissioners. The purpose of the pre-submission conference shall be to promote a free and open exchange of ideas, concerns and intentions between the County and the Master Developer in order that the Master Developer may be fully apprised of planning issues that the County believes should be taken into consideration during the preparation of an Area Master Plan.

B. FORMAL APPLICATION

Subsequent to the pre-submission conference, the Master Developer shall deliver to the Director, a formal request for Area Master Plan Review together with sufficient copies of the documents, maps and plans specified in Section 3.02.03.

3.02.03 CONTENTS OF AREA MASTER PLAN APPLICATION

All requests for Area Master Plan Review shall include:

- A. Completed Application Form
- B. Fees in accordance with Lee County fee schedule
- C. Sufficient copies of Existing Conditions Map(s) drawn at appropriate scale on one or more sheets of 24" x 36" paper, showing;
 - 1. Name of the area or other identifying title which shall not duplicate or closely approximate the name of any recorded subdivision in Lee County, Florida;
 - 2. North arrow, graphic scale and date;
 - 3. A vicinity map of the property subject to the Plan showing the location of the property in relation to the surrounding area;
 - 4. Name, address, and telephone number of Master Developer;
 - 5. Boundary Survey and legal description of the area included in the Area Master Plan;
 - 6. Topographic conditions on the property at one (1) foot intervals including existing water courses, drainage ditches and bodies of water, marshes or other wetlands, and other significant topographic features;
 - 7. All existing streets and alleys within or adjacent to the property which is the subject of the Plan including name, right-of-way width, street or pavement width and established centerline elevation;
 - 8. All existing property lines, easements and rights-of-way, their purpose, and their effect on the property subject to the Plan;
 - 9. Location of area boundaries in accordance with Exhibit "C" - Community Plan.
 - 10. General location of flow-ways;
 - 11. Zoning classification and existing use of adjacent property, where applicable;
- D. Sufficient copies of the proposed development plan drawn at appropriate scale on 24" x 36" sheets of paper, including, but not limited to, the following:
 - 1. An identification of the sensitive areas which are required to be preserved pursuant to Section 6.03 of this Ordinance;
 - 2. General location of areas intended to be developed as lakes;
 - 3. Location of existing and planned major water management structures, facilities, and easements;
 - 4. Proposed treatment of wetland areas;
 - 5. Planned location and names of arterials and collectors;
 - 6. Preliminary designation and size of tracts together with an approximate acreage and an identification of the type of use for each tract (e.g. commercial, park, conservation, single family attached, single family detached, or multi-family, golf course, etc.) and the location of planned major amenities;

7. In the case of residential use, a projection of the number of units planned on each tract, as well as the type (i.e. single family attached, single family detached, multiple family);
8. Location of major utility lines and sites for sewage and water treatment facilities;
 - a. If the site for water and/or sewage treatment facilities is outside of the Area Master Plan, their location shall be specified at the time of the Area Master Plan submittal as well as the approximate location of major lines connecting the area within the Area Master Plan to the specified site.
9. Location of planned major buffer areas;
10. Sites for community facilities such as schools, government facilities, emergency services, major parks and recreation areas. If sites are to be provided outside the area covered by the Area Master Plan, their locations shall be specified.
 - a. Non-intensive uses such as golf courses, and essential uses such as roads and water management systems may extend beyond the boundaries of the Plan.
 - b. Community Facilities such as sewage treatment plants, schools, government facilities, and parks and recreation areas may be located outside of the boundaries of the Area Master Plan but within the boundaries of Gateway. These locations shall be specified at the time of the Area Master Plan submittal. The method of providing essential services (water, sewer, electricity, etc.) shall be indicated as appropriate.

E. Other Documents

1. Drainage/Water Quality

The Master Developer shall submit copies of the Conceptual Surface Water Management Permit approval from the South Florida Water Management District for the entire project, along with copies of the plans submitted to, and approved by the South Florida Water Management District. Note: Subsequent applications for Area Master Plan Reviews do not need to duplicate this submittal requirement provided the Conceptual Permit Approval is still valid.

Notice of any amendment of the Conceptual Surface Water Management Permit shall be provided to the County.

2. Transportation

- a. Traffic Impact Statement; A Traffic Impact Statement as per Attachment D for the property included within the Area Master Plan including actual DRI traffic generation and distribution.
- b. Proposed internal traffic circulation system capable of operating at Service Level "C" or better on an annual average basis, and Service Level "D" or better during the peak season.

3. Vegetation and Wildlife

- a. A copy of the results of the detailed site inspection for rare, endangered, threatened and special concern wildlife species listed by state and federal regulation, which is to be forwarded to the appropriate agencies as specified in the DRI Development order.
- b. If mitigation measures are required, copies of the mitigation plan to be submitted to the FG & FWFC, U.S. Fish & Wildlife, Lee County and the Southwest Florida Regional Planning Council. Mitigation plan approval shall be obtained from the above agencies prior to Final Plan or Plat approvals.

4. Water Supply

Documentation that an adequate supply of potable water is, or will be, provided to the proposed land uses within the Area Master Plan.

5. Wetlands

- a. Copies of the detailed information submitted by the developer to the Florida Department of Environmental Regulations, SFWMD, SWFRPC, and the Lee County Division of Community Development for review, which provides the following information:
 - 1) Identification of all Environmentally Critical Areas within the Area Master Plan as defined by the Lee Plan on aerial photographs of the same scale as the ADA vegetation maps submitted by the Master Developer as a part of the GATEWAY Application for Development Approval.
 - 2) Ecological health, condition and function of each wetland area within the Area Master Plan.
 - 3) A precise identification of any seasonal transitional areas which are proposed to be destroyed, based on the above survey and the application of the proposed wetland resource management guidelines.
 - 4) Plans for mitigation of impacted wetlands.
 - 5) Historic water levels to be maintained within wetland preserves to serve as a design and review guide.
 - 6) Detailed information on how the water management system will maintain historic water levels within each wetland preserve (e.g., Placement and design of adjustable control structures, equalizer swales and culverts).
- b. Numbers a.1 and a.3 above shall be based upon cooperative on-site boundary delineations by WGC, the Florida Department of Environmental Regulation, the South Florida Water Management District, the Southwest Florida Regional Planning Council and the Lee County Division of Community Development.

6. Sewers

Documentation that adequate sanitary waste collection and treatment facilities are, or will be, provided to the proposed land uses within the Area Master Plan.

7. Other

Documentation that the Developer has complied with requirements set forth in the DRI Development Order for the following:

- a. Education
- b. Protective Services
- c. Fire and Police Protection
- d. Housing
- e. Parks and Recreation
- f. Other government facilities
- g. Compliance with all applicable Six Mile Cypress Watershed and Airport Hazard Zone Ordinance requirements
- h. Status of the petition for approval of a Uniform Community Development District
- i. Compliance with all other applicable requirements set forth in the DRI Development Order.

3.02.04 PROCESSING AND REVIEW OF AREA MASTER PLAN

- A. Within fifteen (15) days after receipt of a proposed Area Master Plan, the Director shall make a determination as to whether the proposed Area Master Plan submittal is complete in accordance with the specifications of Section 3.02.03. In the event the Director determines that the proposed Area Master Plan submittal is incomplete, he shall inform the Master Developer in writing and shall specify the manner in which the proposed Area Master Plan submittal is deficient. The Director shall take no further action in regard to the proposed Area Master Plan submittal until the Master Developer has corrected the deficiency or notified the Director in writing that they will not correct the deficiency and that they desire the proposed Area Master Plan to be reviewed as submitted.
- B. Upon a determination that a proposed Area Master Plan submittal is complete or upon the Master Developers response to a deficiency notice, the Director shall transmit a copy of the proposed Area Master Plan to the Six Mile Cypress Basin Board for review and comment, as well as to members of a review committee consisting of representatives from all County Departments charged with reviewing all Developments of County Impact or any succeeding committee established by the Board of County Commissioners.
- C. Within forty-five (45) days after a determination that a proposed Area Master Plan is complete or the Master Developers response to a deficiency notice, the Director shall convene a meeting of the review committee, for the purpose of considering the comments (if any) of the Six Mile Cypress Basin Board and to make a determination as to the extent to which the proposed Area Master Plan is:
 - 1. Consistent with the land uses authorized by the Development Order and the general distribution of uses set forth in Section 1.05.
 - 2. Consistent with this Ordinance and the Lee County Comprehensive Plan.
 - 3. Consistent with sound land planning principles;
 - 4. Served, or will be served, by adequate public facilities, including:
 - a. Water,
 - b. Sewer,
 - c. Roads,
 - d. Surface Water Management,
 - e. Law Enforcement
 - f. Fire Protection
 - g. Schools
 - h. Parks and Recreation.
 - 5. Consistent with the specific conditions set forth in the Development Order.
- D. Within thirty (30) days of said meeting, the committee shall:
 - 1. Require the Master Developer to submit additional materials needed to demonstrate compliance with the requirements of this Ordinance, in which case the Committee shall reconvene and re-review the Area Master Plan within twenty-one (21) calendar days of the Master Developer submitting the required additional material; or
 - 2. Forward a recommendation to the Local Planning Agency and to the Board of County Commissioners to:
 - a. Approve the Area Master Plan
 - b. Approve the Area Master Plan with certain conditions or changes needed to cause the Plan to conform to the requirements of Section 3.02.04(C) or
 - c. Reject the Plan. Any such rejection shall be accompanied by detailed, written reasons for the issuance of the rejection.

- E. The Local Planning Agency, at its next available regularly scheduled meeting, shall review the Area Master Plan for consistency with the Lee County Comprehensive Plan and forward its determination to the Board of County Commissioners.
- F. Within fifteen (15) days after receiving the review committees report and the Local Planning Agency's determination of consistency, the Board of County Commissioners shall set a time and date for a public hearing.
- G. Upon completion of the public hearing, the Board of County Commissioners shall make a determination, according to the standards in Section 3.02.04.C whether to approve, or approve with conditions, the area Master Plan, or continue the hearing for a period not to exceed twenty-one (21) days except as agreed by the Master Developer, or deny the Area Master Plan without prejudice stating where the Area Master Plan does not comply with the PUD or Development Order and the denial shall include conditions stating specifically the necessary changes to comply with the PUD or Development Order. As a part of its review, the Board of County Commissioners shall include a substantial deviation determination pursuant to Chapter 380.06(17) Florida Statutes.
- H. After an Area Master Plan shall have been approved or approved with conditions, the Area Master Plan shall be the controlling instrument in regard to the location, character and magnitude of specific uses within the area of the Area Master Plan and shall be implemented through the Planned Unit Development Ordinance.

3.02.05 AMENDMENTS TO APPROVED AREA MASTER PLANS

- A. All areas designated for residential uses may be developed at the number of dwelling units as approved on the Area Master Plan.
- B. The Master Developer may be permitted to increase the maximum number of dwelling units designated for any given tract or parcel by twenty (20) percent PROVIDED THAT:
 - 1. The proposed increase is approved by the Director; and
 - 2. The total number of dwelling units does not exceed the number approved on the Area Master Plan.
- C. Should the Master Developer desire to make any major modifications to the approved Area Master Plan, those changes or amendments shall be submitted to the committee and shall be reviewed in the same manner as the original review of the area. A major modification shall include, but is not limited to; a change in the land use of a tract to a more intense use (i.e., residential to commercial); an increase in dwelling units for any given tract or parcel exceeding the twenty (20) percent permitted in Section 3.02.05 B.

3.02.06 INFORMATIONAL SUBMISSIONS

The Director shall forward a copy of the Area Master Plan to the Southwest Florida Regional Planning Council staff.

3.03 PROCEDURES FOR FINAL PLAN AND PLAT APPROVALS

3.03.01 REQUIREMENTS

- A. At such time as the Master Developer or any other developer desires to subdivide or resubdivide all or any portion of an approved Area Master Plan a plat or replat (as the case may dictate) shall be submitted to the County for acceptance and recordation in accordance with this Section 3.03.
- B. Prior to preparation of a final plat for recordation, the Master Developer or any other developer shall submit to the County for approval, a final plan for the area to be platted in accordance with Section 3.03.04.

The purpose of the Final Plan is to provide the developer and the County the opportunity to review proposed plats prior to the developer proceeding with detailed engineering drawings required for Final Plats.

- C. Final plats for any portion of the GATEWAY Community shall be in substantial compliance with the approved Area Master Plan and Final Plan for the property being platted.

3.03.02 APPLICABILITY

- A. For purposes of this ordinance the term "subdivide" shall mean the division of a portion of an approved Area Master Plan, whether improved or unimproved, into three (3) or more lots, tracts or parcels for the purpose, whether immediate or future, of transfer of ownership, or any division of such tract or parcel by the creation of any public street, public easement or public right-of-way. However, the division of land into portions of ten (10) acres or more each not involving any change in street line or public easements of whatsoever kind is not to be deemed a subdivision within the meaning of this Ordinance. The term includes a resubdivision and, when appropriate to the test, relates to the process of subdividing or to the land subdivided.

B. EXEMPTIONS FROM PLATTING

Nothing contained in this Ordinance shall be construed to require the platting of property for:

1. The construction of a golf course
2. The installation of any drainage facility or the construction of any water and/or sewage treatment facility
3. The division of land for the conveyance of any property to a governmental agency or a public utility entity
4. The division of land by judicial decree
5. The division of land for agricultural uses

Provided, however, the developer shall submit a boundary survey prior to the construction of any of the improvements listed in subsections 1, 2, or 3 above.

3.03.03 SUBMISSION OF PLANS

A. PRELIMINARY PLANS (OPTIONAL)

1. The Master Developer or any other developer proposing to plat may submit a Preliminary Plan for review and comment by Lee County. Said Preliminary Plan shall conform to the requirements of Section 3.03.04.
2. The Director shall distribute copies of the Preliminary Plan to appropriate reviewing agencies and receive their comments within twenty-one (21) calendar days. A copy of the Preliminary Plan with appropriate comments shall be returned to the applicant within seven (7) days of receipt by the Director of the reviewing agencies' comments.

The reviewing agencies will review the preliminary plan for consistency with the Approved Area Master Plan as well as any other applicable regulations.

B. Final Plans

1. The Master Developer or any other developer proposing to subdivide shall submit a Final Subdivision Plan for review and comment by Lee County. Said Final Plan shall conform to the requirements of Section 3.03.04 of this ordinance, and should incorporate any changes required by the County for Preliminary Plan approval (if applicable).
2. Final Plans shall constitute only that portion of an approved Area Master Plan within which the public improvements are expected to be constructed within thirty-six (36) months of Final Plan Approval by the County.

3. Prior to final plan approval, the Master Developer or any other developer shall submit preliminary construction plans for the water management system of the area proposed to be platted to the Six Mile Cypress Basin Development Review Board. The Six Mile Cypress Basin Development Review Board shall review and submit recommendations to the Director and the subdivider regarding the compliance of the preliminary construction plans with the Area Master Plan.
4. The Director shall distribute copies of the final plan to the appropriate reviewing agencies for their final comments. Upon receipt of the comments, the Director shall either approve, approve with modifications, or reject the final plan until stated deficiencies are corrected.
5. Approval of the final plan by the Director constitutes authorization for the developer to commence site construction work.

C. Final Plats (for Recording)

1. All subdivision of property within the GATEWAY Community shall be platted and recorded.
2. All Final Plats shall be submitted for approval and acceptance by the County in accordance with Section 3.03.05 of this ordinance.

3.03.04 PRELIMINARY AND FINAL PLAN REVIEW SUBMITTAL REQUIREMENTS

A. Submittal requirements for a preliminary or final plan shall include but not be limited to:

1. Application Form
2. Applicable review fees
3. Assignment of Units to tracts, parcels or lots
 - a. The developer shall file a designation of the maximum number and type of dwelling units to be constructed on each tract, parcel, or lot
 - b. The Director shall review such designation to insure that the designation does not exceed the number of units set forth in the approved Area Master Plan for the property being platted, except as may be permitted under Section 3.02.05 of this Ordinance.
 - c. In the event all of the dwelling units permitted by such designation are not constructed on the parcels so designated, the Master Developer shall be entitled to transfer the unbuilt dwelling units to other portions of the GATEWAY property, in accordance with the provisions of Section 1.05 and 1.07.
4. Plans showing proposed streets, lots; parcels, or tracts, utilities (size and location), and major buffer areas.
5. Construction engineering plans (Final Plans only) for improvements to be dedicated to Lee County.

B. REVIEW OF FINAL PLANS

Final Plans shall be reviewed for consistency with the intent of the DRI Development Order and this Ordinance. Improvements which are to be dedicated to Lee County will also be reviewed for consistency with applicable Lee County Development standards.

3.03.05 FINAL PLATS

A. Preparation

All plats submitted for acceptance by the County and recordation shall be prepared in accordance with the requirements of Chapter 177, Part 1, Florida Statutes and shall contain all elements specified in Florida Statutes Section 177.091, as they may be amended from time to time, as well as the following:

1. All plats shall be drawn on 19" x 24" good grade line tracing cloth or a stable base film meeting the requirements of Chapter 177, Part 1. All lettering shall be neat and legible with a minimum height of one tenth of an inch (0.10") formed by lettering guide (Leroy 100 or comparable), typed (IBM Letter Gothic #96) or comparable), or an equivalent.
2. Standard certificates, approval forms, declarations and notes shall be printed on the plat with a permanent block drawing ink or vari-type process.
3. Approvals of the County Engineer, County Attorney, and the Director shall be included as a part of the Certificate of Approval of the Board of County Commissioners.
4. All signatures on the plat shall be signed with black permanent waterproof ink. The use of a ballpoint pen is prohibited.

B. Submittal

All plats submitted for review and acceptance shall be submitted in accordance with the applicable rules and regulations of Lee County at the time of submission, and a fee in accordance with the fee schedule shall be paid.

C. Review, Approval, and Recordation

1. If the required improvements have been constructed at the time the Final Plat is submitted for acceptance; the Developer shall submit:
 - a. copy of the final inspection by the County Engineer
 - b. copy of the County Engineer's certification that the required improvements which are being dedicated to the County comply with applicable Lee County Standards
 - c. A Contractor's warranty for one (1) year or the subdivider's agreement to maintain the improvement(s) for one (1) year from acceptance and to correct any deficiency at the end of such period.
2. If the required improvements have not been constructed and will not be constructed prior to recordation of the plat, the Developer shall submit:
 - a. A certified cost estimate prepared by the subdivider's engineer including the cost of constructing road, sewer, water, and water management improvements which will be, or are required to be constructed by the subdivider excluding improvements to be constructed by a U.C.D.D., or the contract bid price for all work required to complete the required road and water management improvements; and
 - b. Bond or other Surety Agreement, or other guarantee acceptable to the County, in the amount of one hundred and ten percent (110%) of the sum of the engineering and construction costs based on the subdivider's engineer's estimate or the contract bid price. The "other guarantees acceptable to the County" referenced in this subsection may consist of a cash deposit, Letter of Credit, first mortgage on real property, escrow agreement or other similar security device which shall be renewed every two (2) years with a revised engineer's estimate.
3. Upon satisfaction of the requirements stated in 1) or 2) above, the Director shall submit the plat for final acceptance and recordation to the Board of County Commissioners.

3.04 PROCEDURES FOR PARCEL PLAN APPROVAL
 3.04.01 REQUIREMENTS

Except as provided herein, no construction which requires a building permit pursuant to the Lee County Building Code, shall be commenced prior to applying for, and receiving, a parcel plan approval in accordance with this section, and the appropriate building permits.

Application for parcel plan approval shall be submitted to the Director along with the applicable parcel plan review fee, who shall submit the parcel plan to the appropriate reviewing agency.

Nothing herein shall be construed as prohibiting submission of construction plans for building code review at the same time as applying for parcel plan review PROVIDED THAT:

- A. Application for building permit shall conform to all applicable building code requirements; and
- B. No building permit shall be issued prior to the issuance of the parcel plan approval.

Exception

No parcel plan review shall be required for a single-family detached dwelling unit, or a single-family attached dwelling unit consisting of two (2) units within a single structure PROVIDED THAT said structure is to be constructed on a single lot platted and designated for such use.

3.04.02 CONTENTS OF PARCEL PLAN

The Parcel Plan required to be submitted under Section 3.04.01 of this Ordinance shall include the following elements, unless the Director determines that one or more of said elements does not apply to the particular development.

- A. A notarized statement of ownership or unified control of the property subject to the Parcel Plan, including a legal mailing address for all correspondence from the County to the applicant (it is incumbent upon the developer to advise the County of any change of such information as all correspondence will be with the listed party).
- B. Statement describing the intended use of the development.
- C. General location map showing the relationship of the site for which Parcel Plan approval is sought to major streets, existing utilities, important physical features in and adjoining the property, and the like.
- D. Legal description of the property for which approval is sought.
- E. Sufficient copies of a site plan on paper 24" x 36" containing the title of the project (which title shall not duplicate the title of any other project in Lee County) and the names of the project planner and developer, date, and north arrow, and, based on an exact survey of the property drawn to a scale of sufficient size to show:
 - 1. Boundaries of the project;
 - 2. Any existing streets, buildings and structures;
 - 3. All proposed buildings, their relation to one another and the site boundaries so that compliance with this Ordinance may be determined; if buildings are to be built in phases, phasing lines shall be shown;
 - 4. Access and traffic flow and how vehicular traffic will be separated from pedestrian and other types of traffic;
 - 5. Off-street parking and off-street loading areas in accordance with Lee County Regulations;
 - 6. Rereation facilities (if any);
 - 7. All screening and buffering;
 - 8. Location of refuse collection areas; and
 - 9. Access to utilities and points of utility hookups.
- F. Tabulation of the total number of dwelling units to be constructed, sizes and types, together with typical footprints of each building.

- G. Tabulations showing the derivation of numbers of off-street parking and off-street loading spaces shown in subsection E above.
- H. If common facilities (such as recreation areas or structures, private streets, common open space, etc.) are to be provided for the development, statements as to how such common facilities are to be provided and permanently maintained. Such statements may take the form of proposed deed restrictions, deeds of trust, homeowners associations, surety arrangements, or other legal instruments providing adequate guarantees to the County that such common facilities will not become a future liability for the County.
- I. Surface water management plans together with certification by the UCDD for GATEWAY or other governing authority that said plans are in conformance with the overall water management plan for the GATEWAY Community.
- J. Certification by the UCDD for GATEWAY or other governing authority that adequate water and sanitary sewage capacity are available for the development.
- K. Signage plans exhibiting compliance with Section 7.03 of this Ordinance.
- L. Landscaping plans exhibiting compliance with Section 7.02 of this Ordinance.
- M. Plans for recreational facilities, if any, including buildings for such use.
- N. If required, a copy of the Site Plan approved pursuant to Section 3.05 of this Ordinance.
- O. Where applicable a phasing plan to include the number of phases and the number of units, commercial square footage, and buildings in each phase.
- P. Such additional data, maps, plans, surveys or statements as may be required by the Director for the particular use or activity involved.
- Q. Such additional data as the applicant may believe is pertinent to the Parcel Plan.

3.04.03 EFFECT OF PARCEL PLAN APPROVAL

Upon approval of a Parcel Plan, no building permit or certificate of occupancy shall be issued except in accordance with the approved Parcel Plan. Violation of the terms of the approved Parcel Plan is a violation of this Ordinance.

3.04.04 CHANGES AND AMENDMENTS

- A. Any change in use of buildings, structures, land or water, or institution of new uses, or alteration or additional building of structures or erection of new buildings or structures shall be in accordance with a new or modified Parcel Plan conforming and approved pursuant to this section.
- B. The Director may authorize minor adjustments to an approved Parcel Plan. Such minor adjustments shall be consistent with the intent and purpose of this Ordinance and shall be the minimum necessary to overcome the particular difficulty. Such minor adjustments shall not:
 - 1. Change the use or character of the development proposed for the parcel.
 - 2. Increase the overall ground coverage or height of structures by more than ten (10) percent.
 - 3. Reduce the open space by more than ten (10) percent.
 - 4. Increase the total number of dwelling units.

All such minor adjustments shall be shown on a copy of the approved Parcel Plan.

3.05 PROCEDURES FOR SITE PLAN APPROVAL

3.05.01 REQUIREMENT

Whenever site plan approval is required by this document, a written request shall be submitted to the Director for approval or denial. The request shall include materials necessary to demonstrate that the approval of the site plan will be in harmony with the general intent and purpose of this document, will not be injurious to the neighborhood or to adjoining properties, or otherwise detrimental to the public welfare.

3.05.02 SUBMITTAL DOCUMENTS

Submittal documents shall include, but are not necessarily limited to, the following:

- A. Site plans at an appropriate scale showing proposed placement of structures on the property; provisions for ingress and egress, off-street parking and off-street loading areas; and, yards and other spaces.
- B. Concept plans showing proposed locations for utility hook-ups.
- C. Concept plans for screening and buffering.
- D. Concept plans for proposed signs and lighting.
- E. Concept plans for landscaping.

3.05.03 SITE PLAN APPROVAL

Conditions on site plan approval. The Director may attach any reasonable condition, limitation, or requirements to a site plan approval as is necessary to effectuate the purposes of this section and to carry out the spirit and purpose of this Ordinance. Such conditions shall be set forth expressly in the approved site plan. Upon approval of the site plan, a parcel plan shall be submitted as set forth in Section 3.04 and in accordance with the approved site plan.

SECTION IV

COMMUNITY COMMITMENTS

4.01 PURPOSE

It is the purpose of this section to set forth the manner or method by which certain commitments made by the Master Developer to Lee County will be provided and maintained.

4.02 CREATION OF A UNIFORM COMMUNITY DEVELOPMENT DISTRICT

It is recognized that one method of financing and management of the construction, maintenance, and operation of the necessary urban services and infrastructures for a community the size of GATEWAY is through the creation of a Uniform Community Development District (UCDD). The Master Developer shall promptly file and diligently pursue an application with the Florida Land and Water Adjudicatory Commission for the creation of a UCDD pursuant to Chapter 190, Florida Statutes for the following services:

- A. water management
- B. water supply
- C. sewer and wastewater management, and
- D. roads and street lights.

4.03 WATER SYSTEM

- A. Construction operation, and maintenance of the water distribution system is anticipated to be provided by a Uniform Community Development District created pursuant to Chapter 190, Florida Statutes, but alternative means may be utilized.
 - 1. Prior to approval of the first Area Master Plan, the Master Developer shall have adequately planned for a water supply/distribution system for the area covered by the first Area Master Plan. Thereafter, at the time that Area Master Plans are submitted, the availability of an adequate water supply to serve the property included within the Area Master Plan shall be demonstrated.
 - 2. Except as provided herein, no certificate of occupancy shall be issued until the Master Developer has provided, or caused to be provided, the appropriate phase of the water supply/distribution system.
 - 3. Exceptions:
 - a. Permits for temporary construction facilities and offices, security personnel offices and trailers, and sales facilities may be permitted using temporary wells for potable water.
 - b. Permits for constructing water facilities.
 - c. Permanent wells for potable water supply shall be permitted for single family detached dwelling units on individual platted lots conforming to Section 6.05.03 for Estate areas and for Golf Course outbuildings.
- B. Westinghouse Gateway Communities is hereby required to obtain all potable water from Lee County Utilities. Should Lee County Utilities be unable to meet Westinghouse Gateway Communities' needs, Westinghouse Gateway Communities may obtain potable water from other sources.

4.04 SEWER SYSTEM

- A. The wastewater collection, transmission, and treatment system may be constructed, operated, and maintained through a Uniform Community Development District created pursuant to Chapter 190, Florida Statutes, a Homeowners Association(s), or by a private utility operator.
 - 1. Prior to approval of the first area Master Plan, the Master Developer shall have adequately planned for a wastewater collection,

transmission, and treatment system for the area covered by the first Area Master Plan. Thereafter, at the time that Area Master Plans are submitted pursuant to Section 3.02, the availability of collection, transmission and treatment facilities to serve the area included in the Area Master Plan shall be demonstrated.

2. Except as provided herein, no building permits shall be issued until the Master Developer has provided, or caused to be provided, the appropriate phase of the wastewater collection, transmission, and treatment facilities.
3. Exceptions
 - a. Temporary septic tanks shall be permitted until the appropriate phase of the sewage collection system is fully certified by all governmental agencies having jurisdiction and is operational, PROVIDED not more than 5,000 gpd will be generated by the use(s) served by the septic tank
 - b. Septic tanks shall be permitted for single-family detached houses only, within the estate areas and for golf course out-buildings provided not more than 5,000 gpd will be generated by the use(s) served by the septic tank.
- B. The Master Developer will provide or cause to be provided, on-site wastewater treatment and disposal facilities unless an alternative location is specifically approved by the County and all applicable State Agencies.
 1. Possible methods for the disposal of treated wastewater and effluent include, but are not limited to:
 - a. Deep well injection
 - b. Golf course irrigation
 - c. Irrigation of landscaped areas and other open space including the FP & L power line easements
 2. Any such method of disposal of effluent shall comply with all applicable governmental rules, regulations and laws.
- C. The Master Developer shall cooperate and participate in the preparation of a feasibility study with the appropriate Lee County agency for a cooperative sanitary sewer system which would serve the lands designated on the Lee County Comprehensive Land Use Plan Map as Airport Commerce east of I-75 and north and/or south of the Southwest Florida Regional Airport.
- D. Should Westinghouse Gateway Communities decide to utilize on-site withdrawal for non-potable water, the following stipulations shall be adhered to:
 1. No withdrawals shall be made from the Sandstone/Tamiami aquifer; and
 2. The water system for the Westinghouse Gateway Communities will be designed to accomplish a net balance. Only after the applicable local and state agencies have approved the system will Westinghouse Gateway Communities be allowed to withdraw groundwater from on-site aquifers, and the amount withdrawn must not be more than the amount applied to the aquifer, all within the boundaries of Westinghouse Gateway Communities and on a monthly basis.

SURFACE WATER MANAGEMENTA. General

A complete surface water management system shall be provided for the adequate control of surface water runoff that originates within the development and from adjacent lands as determined by the South Florida Water Management District. Said surface water management system shall be designed in accordance with the requirements of the South Florida Water Management District including implementation of water quality and quantity best management practices (BMP's) where appropriate.

Construction, operation, and maintenance of water management system to be conducted by a Uniform Community Development District created pursuant to Chapter 190, Florida Statutes OR a Property Owners Association(s) that would be responsible for the water management system. The financial responsibility would be upon the property owners in the Association(s) and/or the landowners of GATEWAY.

B. Description of System

A surface water management system has been conceptually designed for the GATEWAY Community. This system incorporates the use of lakes, natural cypress areas, flow-ways, swales, control structures, and spreader swales. The water management plan combines man-made and natural system features, such as natural cypress strands and seasonal ponds, to provide the necessary surface water storage capacity for the community.

The lakes, flow-ways, and natural wetland storage areas comprise the main components of the surface water management system. These facilities will store and route excess stormwater towards its ultimate destination.

Surface water runoff from developed sites will be directed toward the lakes, stored, filtered by sedimentation and biological means, and then released by hydraulic control structures into a spreader swale and ultimately to the Six Mile Cypress Strand. The system is designed to simulate historic flow characteristics into the Strand. In this manner, the shallow groundwater table is expected to be replenished and surface water flow through the existing wetland areas maintained, while adequate drainage for the developed parcels is provided.

C. Disposition of Surface Water

To avoid burdening the downstream drainageway, to provide for the removal of pollutants to the greatest practical degree, and for general purposes, special engineering design features shall be required. Specific guidelines are as follows:

1. Surface water management system designs shall provide for the detention/retention of surface water from the site. Water shall be released from the site and from any retention areas in such a manner as to assure that the rate of runoff after development shall not exceed the predevelopment rate.
2. Water management systems will comply with SFWMD requirements including the following: Design will be for storm events of 3-day duration and 25-year frequency for retention/detention areas, control structures and outfall channels. Internal subdivision designs shall provide drainage and flood protection such that levels for a storm event of 1-day duration and 5-year frequency will not exceed road centerlines (requirement for parking lots served by exfiltration systems will be 1-hour duration). The lowest habitable floor elevation of all buildings shall be equal to, or above the 100-year flood elevations, as determined from the most appropriate information, including the Federal Flood Insurance Rate Maps. Residential projects shall have calculated ability to discharge by surface flow or subsurface percolation at least 3/8 inch per day during or subsequent to the storm of the allowable discharge frequency and duration. Commercial and industrial projects to be subdivided for sale are required to have installed by the permittee, as a minimum, water quality retention/ detention system for one (1) inch of runoff from the total developed site and also a surface water collection and conveyance system to interconnect the retention/detention system

with the outfall, with access points to the system available to each individual lot or tract. The system shall be sized to limit discharge under design conditions to the allowable discharge.

3. Surface Water Management systems shall include special engineering design features to minimize pollution from oil, suspended solids, and other objectionable materials. Such features shall be designed to treat the runoff resulting from the first one (1) inch of rainfall where the ultimate outfall of the drainage system is into a freshwater stream, or other water body that has a mean daily discharge of five (5) cubic feet per second or less.
4. In locations where soil and groundwater conditions permit, structures such as bottomless inlets, filter inlets, perforated drain pipes, and other similar BMP devices shall be used to minimize pollution and to increase surface water percolation.
5. No cutting, clearing, grading, or filling shall be performed on any site under development unless appropriate devices have been installed to minimize pollution from objectionable materials, to control erosion, and to remove sediment from surface water runoff. Appropriate techniques shall also be utilized to stabilize and revegetate disturbed areas as soon as possible.

D. Inlet Spacing

Inlets shall be spaced in such a manner as to accept one hundred (100) percent of the design runoff. The actual required spacing will depend on the characteristics of each particular site.

E. Revision of Boundaries

Any owner or developer of lands presumed to be S.T. Lands or Flow-ways (as defined in the Six Mile Cypress Basin Ordinance) may present evidence to the Six Mile Cypress Basin Development Review Board to rebut this presumption. If the Six Mile Cypress Basin Development Review Board, determines that the evidence presented is clear and convincing and is sufficient to show that the land is not in fact in S.T. Land or Flow-way, then the boundaries of the S.T. Lands or Flow-ways shall be modified by the Director on Exhibit F.

4.06 UTILITIES

Permanent on-site utility lines such as telephone, electric, television cable service, potable water and wastewater distribution, etc., shall be installed underground, except that electrical feeder lines serving commercial and other high use areas, water pumping stations, lift stations, transformer banks, etc., shall be permitted on a temporary basis through vacant property. Appropriate easements shall be provided for all community utility purposes.

4.07 ENERGY

The Master Developer, shall incorporate to the extent practicable, the use of the following energy conservation features in all site plans and architectural programs in the development of Gateway:

- A. Provision of a bicycle/pedestrian system connecting all land uses, to be placed along the entire estimated miles of arterial and collector roads within the project. This system is to be consistent with Lee County requirements.
- B. Provision of bicycle racks or storage facilities in recreational, commercial, and multi-family residential areas.
- C. Location of bus stops, shelters, and other passenger and system accommodations for a transit system to serve the project area in cooperation with the appropriate Lee County Agencies.
- D. Installation of energy-efficient features in window design (e.g., tinting and exterior shading).

- E. Installation of operable windows and ceiling fans.
- F. Installation of energy-efficient appliances and equipment.
- G. Prohibition of deed restrictions or covenants that would prevent or unnecessarily hamper energy conservation efforts (e.g., building orientation, clotheslines, and solar water heating systems).
- H. Reduced coverage by asphalt, concrete, rock, and similar substances in streets, parking lots, and other areas to reduce local air temperatures and reflected light and heat.
- I. Installation of energy-efficient lighting for streets, parking areas, recreation areas, and other interior and exterior public areas.
- J. Installation of water closets with a maximum flush of 3.5 gallons and shower heads and faucets with a maximum flow rate of 3.0 gallons per minute (at 60 pounds of pressure per square inch) as specified in the Water Conservation Act, Chapter 553.14, F.S.
- K. Selection, installation and maintenance of native plants, trees, and other vegetation and landscape design features that reduce requirements for water, fertilizer, maintenance, and other needs.
- L. Planting of native shade trees to provide reasonable shade for all recreation areas, streets, and parking areas.
- M. Placement of trees to provide needed shade in the warmer months while not overly reducing the benefits of sunlight in the cooler months.
- N. Planting of native shade trees for each residential unit.
- O. Orientation of structures, as possible, to reduce solar heat gain by walls and to utilize the natural cooling effects of the wind.
- P. Provision for structural shading, (e.g., trellises, awnings, and roof overhangs) wherever practical when natural shading cannot be used effectively.
- Q. Inclusion of porch/patio areas in residential units.
- R. Establishment and consideration by an architectural/design review committee(s) of energy conservation measures (both those noted here and others) to assist builders and residents in their efforts to achieve greater energy efficiency in the development.

4.08

STREETS

A. Public Streets

1. Standards for Improvements

Prior to acceptance by Lee County of any proposed public street within GATEWAY or the release of the security, the developer shall dedicate such rights-of-way and complete or cause to be completed, or provide funds for the completion or installation of such improvements, in conformation with Lee County Regulations.

2. Construction Specifications

All construction materials, methods, and equipment shall conform to the requirements of the Florida Department of Transportation (FDOT) Standard Specifications for Road and Bridge Construction (Current Edition, as it may be amended from time to time).

B. Private Streets

Private streets shall be permitted and approved provided:

- 1. They comply with the Design Standards of Lee County; and

2. All private streets shall be maintained through a covenant which runs with the land in the form of, but not limited to, deed restrictions, a homeowners' or condominium association or such other legal mechanisms as will assure the owners of the contiguous property that the street shall be continually maintained. The owners of the contiguous property shall be provided with a legal right to enforce the assurance that the road be continually maintained. Legal documents which provide for the continual maintenance shall only be accepted after they are reviewed by the County Attorney's Office for compliance with County regulations.

C. Classification of Streets

Streets within GATEWAY shall be classified by the County Engineer after consultation with the Developer and the Director of the Division of Community Development based upon the functions of the proposed streets as defined in Lee County Regulations.

D. Public Access

All publicly dedicated streets shall connect to, or be an extension of, an existing public street.

E. Continuation of Existing Street Pattern

Any proposed street layout shall be coordinated with the street system of the surrounding area. Streets in a proposed neighborhood shall be connected to streets in adjacent areas where required to provide for proper traffic circulation. Unless otherwise authorized by the County Engineer and Director, all collector and arterial streets shall be public streets; provided, however, that the circular, collector street shown on Exhibit "C" - Community Plan and located in area 5 and 6 may, at the option of the Master Developer, be private.

F. Street Access to Adjoining Property

Street stubs to adjoining areas shall be provided where required to give access to such areas or to provide for proper traffic circulation. Street stubs shall be provided with a temporary cul-de-sac turnaround within the minimum required platted right-of-way. When adjoining lands are subsequently developed, the developer of said adjoining land shall pay the cost of extending the street and restoring it to its original design cross section.

G. Intersection Design

Streets shall be designed to intersect as nearly as possible at right angles. Multiple intersections involving the juncture of more than two (2) streets shall be prohibited. A minimum sight distance of two hundred (200) feet from every intersection shall be maintained on all intersecting streets. This requirement shall not be construed to increase the minimum allowable intersection separation of one hundred and twenty-five (125) feet.

H. Intersection Separation

Intersections of local streets with an arterial street shall not be less than six hundred sixty (660) feet apart using a centerline measurement. Intersections of local streets with a collector street shall not be less than three hundred thirty (330) feet apart using a centerline measurement. Intersections of a local street with a local street shall not be less than one hundred twenty-five (125) feet apart using a centerline measurement.

I. Street Names

Street names shall not be used which will duplicate or be confused with the names of existing streets. New streets that are an extension of, or in alignment with, existing streets shall bear the same name as that borne by such existing streets. All proposed street names shall be approved by the Lee County Uniform Addressing Department or its successors.

SECTION V

GENERAL PROVISIONS

5.01 PURPOSE

General rules and regulations for uses, buildings and structures applying to all use districts within GATEWAY, as well as special regulations applying to specific issues are enumerated herein and shall control and apply.

To the extent not addressed in this PUD Ordinance, all rules and regulations of the Lee County Zoning Ordinance as may be amended from time to time, shall apply to developments within GATEWAY.

5.02 ALCOHOLIC BEVERAGES

No alcoholic beverage or intoxicating liquor of any kind shall be sold, consumed or served, or permitted to be served or consumed, in any place holding a license under the State Beverage Department of Florida within the GATEWAY Community except during the following hours: All places or establishments lawfully licensed by the State Beverage Department of Florida, may sell or serve, or permit to be sold, served or consumed, any type of alcoholic beverage of any kind whatsoever for consumption on or off the premises only during the hours of 7:00 a.m. and 2:00 a.m. of the following morning every day of the week, including Sundays.

- A. Establishments for on-premise consumption of alcoholic beverages are prohibited within five hundred (500) feet of a preschool, elementary, middle or high school. The on-premise consumption of alcoholic beverages is prohibited within five hundred (500) feet of a church located in any use district other than commercial.
- B. The five hundred (500) foot requirement shall be measured from the specific entrance of the establishment desiring to have on-premise consumption of alcoholic beverages and the main entrance of the church or school.
- C. Where an establishment for the sale of alcoholic beverages is located in conformity with the provisions of this Section, the subsequent locating of a church or school in the proximity of such existing establishment shall not be construed to cause such establishment to be in violation of this section.

Except in use districts specifically allowing consumption of alcoholic beverages on-site, all other such establishments shall comply with all permitting procedures required by Lee County Regulations.

5.03 ANIMALS IN RESIDENTIAL AREAS

Except as provided in Sub-district - Estate of this Ordinance, only commonly accepted household pets such as dogs, cats, fish and pet birds shall be permitted to be kept in reasonable numbers in residential areas once a plat for that particular area has been recorded; provided, however, the Director may permit the use of platted property for agricultural purposes (including the

grazing and housing of livestock) upon a showing that such agricultural activity will not unreasonably interfere with the use and enjoyment of nearby residential structures. For purposes of this subsection, the term "reasonable numbers" shall mean no more than three (3) dogs, three (3) cats, or a combination of dogs and cats totaling not more than three such pets per dwelling unit.

5.04 CLUSTER DEVELOPMENTS

Cluster development is a method by which two or more principal buildings with a compatible architectural theme may be permitted on a single parcel of land, and in which variation from rigid property development standards for individual buildings are permitted.

Within the constraints placed upon cluster developments in the Use District regulations, the Director shall have reasonable discretion in reviewing and approving innovative designs submitted for site plan review.

Within a cluster development, the Director may permit carports and/or other accessory uses to be placed closer to a street than permitted for principal buildings provided said location will not create a safety hazard to vehicles or pedestrians.

5.05 ESSENTIAL INFRASTRUCTURE FACILITIES

Essential infrastructure facilities such as roads, water management facilities and structures, and utility facilities and structures may be permitted anywhere within the property in accordance with this Ordinance provided, however, the location of any water or sewage treatment plant shall be located at the time of submittal for Area Master Plan approval.

5.06 EXCAVATIONS

A. General

This section shall apply to man-made water bodies and to excavation which are primarily to provide for the retention/detention of stormwater runoff.

B. Construction Requirements

Wet retention/detention areas required by the South Florida Water Management District shall conform to its dimensional criteria as follows:

1. Depths for Excavation

The depth of any excavation shall be limited to two (2) feet above the confining or impervious layer which separates the sandstone aquifer from the surface aquifer.

Twenty-five (25) to fifty (50) percent of the area shall be shallower than six (6) feet during the dry season (including side slopes) and twenty-five (25) to fifty (50) percent may be deeper than twelve (12) feet, if allowable by the depth of the confining layer.

2. Excavation Side Slopes

The side slopes of all excavations permitted under this section shall be one of the following:

- a. For side slopes which will be grassed, sodded or otherwise landscaped, not steeper than 6:1 (horizontal to vertical) to four (4) feet below the dry season water table.
- b. For side slopes requiring special architectural treatment: (1) vertical bulkhead, constructed of concrete, steel, timber, or other appropriate structural materials; or (2) rip-rap, boulders, or paver blocks not steeper than 1:1.
- c. For side slopes abutting a Conservation Area, not steeper than 6:1 to six (6) feet below the dry season water table.

3. Setbacks for Excavation Sites

The excavation shall be set back from existing or proposed road right-of-way and adjacent property boundary no less than twenty-five (25) feet except as otherwise permitted. Retention/detention areas which are common to more than one parcel or property or that interface with a Conservation Area are exempt from this provision as to setback from a property line.

5.07 FENCES, WALLS & HEDGES

A. Construction

1. Fences and walls shall be treated as a structure for building permit purposes, and a permit shall be obtained prior to their erection.
2. All fences shall be of sound, sturdy construction and shall not detract from the surrounding area.
3. Except as provided herein, barbed wire, spire tips, sharp objects, or electrically charged fence shall not be erected in any area.

Exception: The Director may authorize the use of barbed wire in conjunction with chain link fencing where he finds it necessary to provide security around hazards, electrical substations, high power electric transmission towers, etc.

B. LOCATION

1. Except as may be otherwise permitted pursuant to a Site Plan Approval, no wall or fence shall be erected or maintained within twenty-five (25) feet from the corner intersection of a street right-of-way.
2. No fence shall block the view of passing motorists or pedestrians so as to constitute a traffic hazard.
3. Front Yards

- a. Any fence, wall or hedge located between a street right-of-way or easement and the minimum required front setback line shall be limited to a maximum height that does not hinder traffic or pedestrian visibility.
- b. A residential neighborhood fence around the perimeter of a residential neighborhood may be increased to a maximum height of seven (7) feet upon a finding by the Director that there will be no interference with vehicle visibility at street intersections. Fences, walls and hedges for residential neighborhood fences may include architectural features such as columns, cupolas, fountains, parapets, etc. at a height not exceeding twice the fence or wall height.
- c. Except pursuant to an approved site plan, no fence, wall or hedge shall be erected, placed or maintained closer than five (5) feet from any street right-of-way or easement.

4. Side & Rear Yards

- a. Residential: a fence or wall shall be limited to a maximum height of six (6) feet in rear or side yards, except as provided in 3b above.
- b. Commercial: a fence or wall shall be limited to a maximum height of eight (8) feet in rear and side yards.

5. Exceptions

- a. Fences used to enclose a tennis court may exceed the height limitations set forth in subsection 4) above.
- b. Fences involving agricultural purposes shall be exempt from these regulations.

5.08 GUEST HOUSES

No guest accommodation facility, commonly referred to as a guest house, shall be erected on any lot smaller than two (2) acres and only in conformance with the following regulations:

- A. Any such guest house shall not be less than twenty-five percent (25%) nor more than forty percent (40%) of the principal dwelling floor area;
- B. Detached guest houses shall be located not closer than fifteen (15) feet to the principal dwelling;
- C. No guest house which is accessory to a single-family dwelling, whether a freestanding guest house or guest accommodations which are structurally integrated with the principal residence, may be utilized for commercial purposes. Leasing or renting a guest accommodation facility shall constitute a violation of this Ordinance. Similarly, if a principal residence is leased or rented, a guest accommodation facility accessory to it may not be occupied by the property owner.

5.09 MAJOR RECREATIONAL EQUIPMENT AND COMMERCIAL VEHICLES IN RESIDENTIAL AREAS

- A. No major recreational equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a lot or parcel platted for residential use; provided, however, the use of such equipment on parcels to house security personnel shall be permitted.
- B. No major recreational equipment, commercial equipment, or commercial vehicle shall be parked or stored on any lot or parcel platted as residential unless such major recreational equipment, commercial equipment or commercial vehicle is parked or stored in a completely enclosed building.
- C. The prohibitions contained in subsection 5.10 A and B hereof shall not apply to:
 - 1. The temporary parking of any commercial vehicle on a lot or parcel platted as residential or in the adjoining swale of any public street where construction for which a current and valid permit has been issued by the County is underway on the property.
 - 2. Deliveries by tradesmen, or the use of commercial vehicles in making service calls.
 - 3. The emergency parking of a disabled commercial vehicle; provided, however, such disabled commercial vehicle shall be removed within twenty-four (24) hours.
 - 4. The active loading or unloading of a recreational vehicle or trailer preparatory for or following an off-premises trip, but in no case shall this loading or unloading period exceed twenty-four (24) hours in any seven-day period.
 - 5. Boats which are docked in a lake, or landed from a lake by a permanent hoist mechanism.

5.10 MODEL UNITS

- A. Model units and/or sales facilities intended to promote the sale of the units within an individual neighborhood shall be permitted on any property designated as Residential. Individual model homes and sales facilities shall be permitted for a period of four (4) years from the initial use as a model or sales facility or until all units within the individual neighborhood have been sold, whichever occurs first. The Director may authorize the extension of such use upon written request and justification.
- B. Any model unit(s) and/or sales facility(ies) erected or constructed by the Master Developer on a lot or parcel platted as residential and intended to be used as a sales and/or information facility to serve an area larger than the neighborhood in which it is located shall be permitted to be used as such so long as the Master Developer is actively engaged in the sale and development of GATEWAY and provided further that such facility is erected in such a location and appropriately buffered with landscaping so as to minimize its impact on neighborhood residences.

5. 11 OIL AND GAS RESOURCES

It is recognized that oil and gas have been located in the eastern portion of Lee County, and that sufficient quantities of such resources may exist within the GATEWAY property to make it feasible to create a recovery system. The Developers shall have the right (subject to complying with applicable laws and regulations) to set aside portions of the GATEWAY property for the recovery of such resources and to grant the easements necessary for their transmission across the GATEWAY property to off-site locations.

5. 12 SETBACKS

A. Section Line Setbacks

There shall be no required minimum setback from section and half (quarter) section lines.

B. Water

1. Except as may be permitted under Site Plan Approval, residential buildings in single family detached areas shall set back a minimum of twenty-five (25) feet from any natural or man-made body of water (excluding swimming pools).
2. Other residential buildings and commercial buildings may be permitted to be constructed over man-made bodies of water provided that:
 - a. The proposed building and plan is consistent with the public health, safety and welfare; and
 - b. Site plan approval is issued in accordance with Section 3.05 of this Ordinance.

C. Street Rights-of-Way and Easements

1. Except as specifically noted in the use district regulations, all front setback requirements shall be measured from the street right-of-way line or, in the case of private street, the street easement line.
2. All yards abutting a street shall be considered front yards and shall comply with applicable front yard setback requirements.
 - a. When a 4-sided corner lot abuts two streets, it shall have two (2) front, one (1) side, and one (1) rear yard.
 - b. When a 5 or more sided lot abuts two streets, it shall have two (2) front yards and two (2) side yards. All other sides shall be considered rear yards, with the rear yards being those furthest from the abutting streets. The determination of which yards are front, rear and side yards for a typical and odd shaped lots shall be made by the Director.

5. 13 ZERO LOT LINE DEVELOPMENT

Zero lot line development may be permitted in any approved cluster development provided the Developer has provided covenants, satisfactory to the County Attorney, that will address and provide for 1) access rights of the owner or adjacent property for purposes of maintenance; and 2) rights of the adjacent property owner as they effect landscaping up to the lot line.

SECTION VI

USE DISTRICTS

6.01 PURPOSE

The purpose of this section is to set forth the types of uses which may be permitted within each area designated as Residential, General Office, Business/Commercial, Community Convenience Centers, and Town Center on Exhibit "C" - Community Plan; areas designated as Conservation areas shown on Exhibit "E", and other special purpose districts; and areas subsequently designated as Neighborhood Convenience Centers.

6.02 DESIGNATION OF USE

At the time the Master Developer submits his application for Area Master Plan review and approval, he shall designate on the submitted plans the Use District or, in the case of residential developments, the sub-district, for every parcel, tract or lot within the Area Master Plan.

After obtaining approval of the Area Master Plan, all subsequent platting, parcel plan review, and site plan review shall be accomplished in accordance with the regulations set forth herein for the use district or sub-district designated on the Area Master Plan.

6.03 CONSERVATION AREA DISTRICT

6.03.01 PURPOSE

The Conservation Area District is intended to designate and protect from incompatible uses, those areas determined to be environmentally sensitive or otherwise necessary for water management facilities. It is intended that these areas be utilized as water management areas and/or nature parks with limited recreational use.

6.03.02 OWNERSHIP OF CONSERVATION AREAS

Major portions of the Conservation Areas shall be owned and maintained by one or more of the following:

- A. The Master Developer
- B. The UCDD for GATEWAY
- C. Property Owners Association(s)
- D. Lee County

Portions of the Conservation Areas may be deeded to developers for inclusion in the Neighborhoods they develop but will, nevertheless, be preserved, deed restricted and used only in accordance with this Section 6.

6.03.03 IDENTIFICATION OF CONSERVATION AREAS

The Master Developer shall, at the time an Area Master Plan is submitted for approval, stake the interface of the Conservation Areas which are required to be protected and the non-conservation areas. The delineation of those areas shall be subject to review and approval by SFWMD, the SWFRPC and Lee County.

6.03.04 PERMITTED USES AND STRUCTURES

No building or structure, or part thereof, shall be erected, constructed, reconstructed or structurally altered which is designed, arranged, used or intended to be used or occupied, or land or water used, in whole or in part, upon that portion of the GATEWAY shown on Exhibit "E", Conservation Area District, for any purpose other than for one or more of the following uses:

- A. Principal Permitted Uses and Structures
 - 1. Nature trails including boardwalks

2. Boating (limited to 25 hsp or less)
3. Boat docks
4. Paths and bridges to provide access for residents and minor maintenance equipment.
5. Other activities for recreation, conservation and preservation when approved by the Director
6. Water management facilities and structures

B. Uses Permitted with Site Plan Approval

1. Aquatic and botanical research lab(s) and facilities.
2. Community and cultural facilities which are compatible with this District.

C. Permitted Accessory Uses and Structures

1. Accessory uses and structures customarily associated with the uses permitted in this district.
2. Signs in accordance with Section 7.03 of this Ordinance.

6.04 GOLF COURSE DISTRICT

6.04.01 PURPOSE

The purpose of this district is to set forth the regulations for uses in, and development of, golf courses and related facilities within the GATEWAY Community.

6.04.02 LOCATION

Because golf courses provide open space for the entire community and serve a variety of functions including water management functions, most golf courses will be located in areas designated as "Residential" in Exhibit "C". However, portions of golf courses may be integrated with other uses in the General Office and Business/Commercial areas.

Although the approximate boundary of golf course(s) will be identified on the Area Master Plan(s), it does not preclude portions of the course(s), or other courses to be integrated with plat plans or parcel plans at subsequent reviews.

6.04.03 PERMITTED USES AND STRUCTURES

No building or structure, or part thereof, shall be erected, constructed, reconstructed or structurally altered which is designed, arranged, used or intended to be used or occupied, or land or water used, in whole or in part, upon that portion of GATEWAY designated by the Developer as Golf Course District, for any purpose other than for one or more of the following uses:

A. Principal Permitted Uses & Structures

The following uses are permitted subject to site plan approval

1. Golf Course(s)
2. Passive recreational uses including, but not limited to parks, bikepaths, nature trails
3. Clubhouse(s)
4. Pro-shop
5. Signs in accordance with Section 7.03.
6. Water management facilities

7. Accessory uses and structures customarily associated with the uses permitted in this district, not specifically listed in subsections B or C below.

8. Other similar uses when approved by the Director.

B. Permitted Accessory Uses & Structures

The following accessory uses and structures are permitted when in conjunction with an approved principal use and subject to site plan approval.

1. Practice driving range & putting greens
2. Golf learning centers
3. Racquetball, handball, tennis courts, swimming pools and other similar recreation facilities.
4. Non-commercial plant nursery
5. Golf course or clubhouse maintenance shops and equipment storage
6. Small commercial establishments including gift shops, golf and tennis equipment sales, restaurants, cocktail lounge, and similar uses intended to serve patrons of the golf course(s), clubhouse(s), pro shop(s), or approved hotel or motel (see C. below), when approved by the Director and when located within an approved clubhouse, pro shop or hotel/motel (see sub-section C).

C. Permitted Uses when the general location is shown on an approved Area Master Plan OR when approved as a Special Exception.

1. Hotel(s) or Motel(s)
2. Alcoholic Consumption on Premises establishments.

6.04.04 SITE PLAN APPROVAL REQUIREMENTS

Plans for all principal and all accessory uses, buildings & structures, shall be submitted to the Director in accordance with Section 3.05 of this Ordinance, for review and approval. All construction shall be in accordance with the approved plans and specifications.

- A. Overall site design shall be harmonious in terms of landscaping, locations of structures, locations of access streets and parking areas, and location and treatment of buffer areas.
- B. Buildings shall be set back a minimum of fifty (50) feet plus one-half (1/2) the height of the building or structure from abutting residential neighborhoods and the setback area shall be landscaped in accordance with Section 7.02 of this Ordinance.
- C. Parking facilities shall be setback a minimum of twenty-five feet from abutting residential neighborhoods and shall be landscaped in accordance with Section 7.02 of this Ordinance.
- D. Lighting facilities shall be arranged in a manner which will protect roadways and neighboring properties from direct light.
- E. A site plan shall be provided to the Director showing structural locations and landscaping.

6.04.05 DEVELOPMENT REGULATIONS FOR GOLF COURSE DISTRICTS

- A. The height of any permitted principal or accessory structure shall be regulated by the setback requirement stated in Section 6.04.04 B.
- B. Off-street parking requirements shall be in compliance with applicable Lee County Parking requirements and Section 7.02 of this Ordinance.

6.05 RESIDENTIAL DISTRICTS (GENERAL)

6.05.01 PURPOSE

The purpose of this section is to set forth regulations for those areas designated as "Residential" on Exhibit "C" Community Plan.

The Residential District is sub-divided into four (4) sub-districts which specify the type of dwelling unit(s) which will be permitted as well as specific property development regulations pertaining to the sub-district.

Sub-districts shall be shown on the plans submitted for Area Master Plan approval. Upon approval of said Area Master Plan, all development within each sub-district shall comply with the regulations for said district.

6.05.02 GENERAL REGULATIONS FOR ALL RESIDENTIAL SUB-DISTRICTS

A. Maximum Dwelling Units

The maximum number of dwelling units which may be constructed within GATEWAY is 19,932.

B. PERMITTED USES IN ALL RESIDENTIAL SUB-DISTRICTS

The following uses are permitted in all residential sub-districts.

1. Public and private parks, playgrounds, playfields, and commonly owned open space.
2. Golf courses in accordance with Section
3. Conservation and water management facilities in accordance with Section 6.03.
4. Signs in accordance with Section 7.03.
5. Accessory Uses customarily associated with residential uses including, but not limited to,
 - a. private garages, carports & parking areas
 - b. private swimming pools and enclosures
 - c. private tennis courts
 - d. Home Occupations subject to Lee County Regulations
 - e. Fences, walls & hedges subject to Section 5.07.
 - f. Domestic animals subject to Section 5.03.
 - g. private boat docks accessory to the residence served
6. Any other accessory use(s) and structure(s) not specifically addressed herein, which the Director within the reasonable exercise of his discretion, deems customary or acceptable in light of the principal use to which it is accessory.

C. USES WHICH MAY BE PERMITTED SUBJECT TO SITE PLAN APPROVAL

1. Churches, Synagogues and other similar places of worship
2. Community and cultural facilities
3. Public and private schools including elementary, middle and high schools (but not including colleges or universities), when shown on the Area Master Plan
4. Public facilities such as utility stations and sub-stations

5. Non-commercial boat launching facilities and docking areas not accessory to an individual residential structure
6. Private recreational clubs and facilities intended to serve the neighborhood in which located but not to include fraternal organizations
7. Cluster Developments subject to Section 5.04 of this Ordinance
8. Guest house(s) in accordance with Section 5.08 may be permitted only in the Estate districts.

D. Uses Permitted Only By Special Exception

1. Child Care Centers
2. Colleges or Universities
3. Institutions/Facilities
4. Hotels, motels (including consumption on premises) - Multiple family district only unless previously approved on the Area Master Plan
5. Funeral homes
6. Consumption on premises of Alcoholic Beverages in private Recreation Clubs or Facilities.

6.05.03 ESTATE DISTRICT

A. PURPOSE

It is the intent and purpose of this district to provide large lot, very low density development wherein residents may enjoy a rural type setting.

B. PERMITTED USES

1. Uses specified, and in accordance with, Section 6.05.02 B & C.
2. Single family - detached dwelling units
3. Clustered developments - site plan approval required
4. Equestrian Stables and ancillary facilities, PROVIDED HOWEVER, no estate lot or cluster development shall contain more than one and one-half (1½) horses per acre and provided further that no roofed structure for the shelter and/or feeding of horses shall be erected closer than one hundred (100) feet to any existing residence located on adjacent property.

C. PROPERTY DEVELOPMENT REGULATIONS

1. One Single Family - Detached Dwelling on a Single Platted Lot:

a. Minimum Lot Dimensions:

- 1) Lot Area: 2 acres
- 2) Lot Width: 150 feet
- 3) Lot Depth: 200 feet

b. Minimum Setbacks:

- 1) Front Yard: 75 feet
- 2) Side Yard(s): 25 feet each
- 3) Rear Yard: 75 feet

c. Minimum Dwelling Unit Floor Area: 600 sq. ft.

d. Maximum Height: 35 feet unless all side and rear setbacks are increased one-half (½) foot for every one (1) foot by which the building exceeds 35 feet.

2. Cluster Developments

Cluster developments may be approved in the Estate District provided the spirit and intent of the district--to provide very low density development in a rural type area--is maintained.

Various types of dwelling units may be permitted subject to the following minimum regulations:

a. Type of Dwelling Unit: Multiple family dwelling units shall not constitute more than 10% of the total acreage in the Estate District and their location shall be shown on the Area Master Plan.

b. Minimum Parcel Dimensions:

- 1) Parcel Area: One and one-half (1½) acres per dwelling unit.
- 2) Parcel Width: 200 feet
- 3) Parcel Depth: 200 feet

c. Minimum Setbacks from Parcel Boundaries

- 1) Front Yard: 75 feet
- 2) Any side property line:
 - a) SF-detached or attached: 50 ft.
 - b) Multiple family: 75 feet
- 3) Rear Yard
 - a) SF detached or attached: 75 feet
 - b) Multiple Family: 75 feet
- d. Minimum Distance Between Buildings located on the same parcel:
 - 1) Principal Buildings: 1/2 the sum of their height or fifteen (15) feet, whichever is greater.
 - 2) Principal Building and accessory building excluding carports: 15 feet.
- e. Minimum Floor Area per unit: 600 sq. ft.
- f. Maximum Building Height:
 - 1) Single Family-attached or detached: same as C.1.d.
 - 2) Multiple family: 35 feet or three (3) stories whichever is greater.
3. Other Uses
 - a. All other permitted uses or uses permitted by special exception as shown under Section 6.05.02 shall be located on property of sufficient size, width and depth that all landscaping, buffering, parking, and other general requirements may be met.
 - b. Minimum setbacks:
 - 1) Front yard: 75 feet
 - 2) Side yard(s): 50 feet
 - 3) Rear yard: 75 feet
 - c. Maximum Bldg. height: 35 feet or three (3) stories whichever is greater

6.05.04 SINGLE FAMILY DETACHED DISTRICT

A. PURPOSE

It is the intent and purpose of this district to provide areas wherein single-family-detached dwelling units on individually owned lots may be constructed.

B. PERMITTED USES

1. Uses specified, and in accordance with, Section 6.05.02 B & C.
2. Single family detached dwelling units.
3. Cluster developments.

C. PROPERTY DEVELOPMENT REGULATIONS

1. One Single family detached unit on a single platted lot:

a. Minimum Lot Dimensions:

- 1) Lot Area: 7,500 square feet
- 2) Lot Width: 75 feet

b. Minimum Setbacks:

- 1) Front Yard: 25 feet
- 2) Side Yard(s): 7 feet for one story, 10 feet for those sides of a structure which are two story
- 3) Rear Yard: 20 feet

c. Minimum Floor Area: 600 sq. ft.

d. Maximum Building Height: 25 feet unless all side and rear setbacks are increased one-half foot for every one (1) foot by which the building exceeds twenty five (25) feet

2. Cluster Developments

a. Cluster development shall be a permitted use in the Single-family detached district PROVIDED THAT:

- 1) The approved Final Plan (Section 3.03) provided parcels large enough for clustering (see Section 5.04); and
- 2) The number of units to be permitted was designated by the Master Developer in the Final Plan;

b. Minimum Parcel Dimensions:

- 1) 7500 sq. ft. per dwelling unit shall be provided in some combination of individual lots and contiguous common open space.
- 2) Parcel Width: 100 feet
- 3) Parcel Depth: 100 feet

c. Minimum Setbacks To Parcel Boundaries

- 1) Front Yard: 20 feet
- 2) Side Yard: 10 feet
- 3) Rear Yard: 20 feet
- 4) See Section 5.04 for permitted variation

d. Minimum Distance Between Buildings

- 1) Between two (2) principal buildings: 10 feet
- 2) Between a principal building and an accessory building (excluding carports): 15 feet if the accessory building is not accessory to the principal building
- 3) Between accessory buildings: 10 feet

e. Maximum Building Height: 25 feet unless all side and rear setbacks, and minimum distance between principal buildings are increased one half ($\frac{1}{2}$) foot for every one (1) foot by which the building exceeds 25 feet.

3. Other Uses

a. All other permitted uses or uses permitted by special exception as shown in Section 6.05.02 shall be located on property of sufficient size, width and depth that all landscaping, buffering, parking, and other general requirements may be met.

b. Minimum setbacks:

- 1) Front yard: 25 feet
- 2) Side yard(s): 20 feet
- 3) Rear yard: 25 feet

c. Maximum Bldg. height: 35 feet unless all side and rear setbacks are increased by one-half ($\frac{1}{2}$) foot for every one (1) foot by which the building exceeds 25 feet.

6.05.05 SINGLE FAMILY ATTACHED DISTRICT

A. PURPOSE

It is the intent of the Single family-attached district to recognize and provide for a variety of dwelling types commonly referred to as single-family attached dwelling units whether called townhouse, row house, patio, duplex, triplex, villa, garden apt., zero lot line or any other name for similar type structures.

B. PERMITTED USES

1. Uses specified, and in accordance with, Section 6.05.02 B & C.
2. Single family-detached
3. Single family-attached
4. Cluster Development

C. PROPERTY DEVELOPMENT REGULATIONS

1. One Single Residential Building on a Single Platted Lot:

a. Minimum Lot Dimensions:

- 1) Lot Area: Single family-detached 5,000 sq. ft.
Single family-attached: 2,500 sq. ft. per dwelling unit.
- 2) Lot Width: Single family-detached: 50 feet
Single family-attached: 20 feet per dwelling unit plus required side yards (see b.2. below)
- 3) Lot Depth: 100 feet

b. Minimum Setbacks:

- 1) Front Yard: 25 feet
- 2) Side Yard(s): 7 feet for one story, 10 feet for those sides of a structure which are two story
- 3) Rear Yard: 25 feet

c. Minimum Floor Area: 600 sq. ft. per unit

d. Maximum Building Height: 25 feet or three stories, whichever is more.

2. Cluster Developments

It is the intent of this section to provide flexibility in the placement of two or more single-family-detached or attached dwelling unit structures, or combination thereof, on a single parcel subject to the following requirements:

- a. Total dwelling units shall not exceed the number designated for the parcel on the Final Plan in accordance with Section 3.03.
- b. Parcel Dimensions shall meet or exceed the following minimum requirements:
 - 1) Area: 2500 sq. ft. per unit shall be provided in some combination of individual lots and common open space on the same parcel.
 - 2) Parcel Width: 100 feet
 - 3) Parcel Depth: 100 feet
- c. All buildings comply with minimum setbacks to parcel boundaries as follows:

- 1) Front Yard: 25 feet
 - 2) Side Yard: 25 feet
 - 3) Rear Yard: 25 feet
 - 4) Refer to Section 5.04 for permitted variations
- d. Minimum Distance Between Buildings are:
- 1) Between two (2) principal buildings: $\frac{1}{2}$ the sum of their heights or fifteen feet, whichever is greater.
 - 2) Between a principal building and an accessory building (excluding carports) 20 feet.
 - 3) Between two accessory buildings (excluding carports): 10 feet
- e. Maximum Building Height: 25 feet unless all side and rear setbacks are increased by one-half ($\frac{1}{2}$) foot for every one (1) foot by which the building exceeds twenty five (25) feet.

3. Other Uses

- a. All other permitted uses or uses permitted by special exception as shown in Section 6.05.02 shall be located on property of sufficient size, width and depth that all landscaping, buffering, parking, and other general requirements may be met.
- b. Minimum setbacks:
- 1) Front yard: 25 feet
 - 2) Side yard(s): 25 feet
 - 3) Rear yard: 25 feet
- c. Maximum Bldg. height: 35 feet unless all side and rear setbacks are increased by one half ($\frac{1}{2}$) foot for every one (1) foot by which the building exceeds thirty five (35) feet.

6.05.06 MULTIPLE FAMILY DISTRICT

A. PURPOSE

It is the intent and purpose of this section to detail the regulations for development of those tracts, parcels or lots designated as multiple family on the Area Master Plan.

B. PERMITTED USES

1. Uses specified, and in accordance with, Section 6.05.02 B & C.
2. Multiple family dwelling units
3. Single family detached and/or attached dwelling units when approved as part of a cluster development.
4. Cluster Developments
5. Hotel or motel when shown on the Area Master Plan, including consumption of alcoholic beverages on premises.

C. PROPERTY DEVELOPMENT REGULATIONS

1. One single family detached or attached dwelling unit on a single platted lot: NOT PERMITTED except when approved as part of a cluster development (see C.3. below).
2. One multiple family structure on a single parcel or tract:
 - a. Minimum Parcel Dimensions:
 - 1) Area: 20,000 sq. ft.
 - 2) Width: 100 feet
 - 3) Depth: 150 feet
 - b. Minimum Setbacks:
 - 1) Front Yard: 35 feet - or $\frac{1}{2}$ the height of the building whichever is greater
 - 2) Side Yard(s): 20 feet - or $\frac{1}{2}$ the height of the building whichever is greater
 - 3) Rear Yard: 25 feet - or $\frac{1}{2}$ the height of the building whichever is greater
 - c. Minimum Floor Area: 500 sq. ft. per unit
 - d. Maximum Building Height: 10 stories

3. Cluster Developments

It is the intent of this section to provide flexibility in the placement of two or more residential structures on a single parcel, subject to the following requirements:

- a. Total dwelling units shall not exceed the number designated for the parcel on the Final Plan in accordance with Section 3.03.
- b. Parcel Dimensions:
 - 1) Minimum area: one acre
 - 2) Minimum average width: one hundred and fifty (150) feet with not less than one hundred (100) feet of frontage.
 - 3) Minimum Depth: 200 feet

c. Setbacks from parcel boundary lines or street right-of-way or easement shall be thirty-five (35) feet or one-half ($\frac{1}{2}$) the height of the building, whichever is greater. Refer to Section 5.04 for setback variations.

d. Minimum Distance Between Buildings:

- 1) Between two (2) principal buildings: $\frac{1}{2}$ the sum of their heights but not less than 20 feet.
- 2) Between any two (2) accessory buildings (excluding carports) and a principal building on the same parcel: 20 feet

e. Maximum Building Height:

- 1) Residential Structure: 10 stories (See Section 6.05.06D)
- 2) Hotels (if permitted): 10 stories (See Section 6.05.06D)
- 3) All other principal buildings: 35 feet
- 4) Accessory buildings: 1 story

3. Other Uses

a. All other permitted uses or uses permitted by special exception shall be located on property of sufficient size, width and depth that all landscaping, buffering, parking, and other general requirements may be met.

b. Minimum setbacks:

- 1) Front yard: 25 feet
- 2) Side yard(s): 20 feet
- 3) Rear yard: 25 feet

c. Maximum Bldg. height: 35 feet

D. PROXIMITY TO SINGLE FAMILY DETACHED OR ATTACHED NEIGHBORHOODS

1. All multiple family structures three (3) stories in height or less shall be separated from single family detached or attached neighborhoods by a separation not less than fifty (50) feet in addition to the required parcel boundary setback requirement.
2. All structures exceeding three (3) stories in height shall be separated from single family detached or attached and estate neighborhoods by a distance equal to one half ($\frac{1}{2}$) the height of the building or fifty (50) feet whichever is greater, in addition to the required parcel boundary setback required in Section 6.05.06.C.3.c.

6.06 COMMERCIAL DISTRICTS (GENERAL)

6.06.01 PURPOSE

The purpose of this Section is to set forth the regulations for developing those areas designated on Exhibit "C" Community Plan, as General Office, Business/Commercial, Town Center, and Neighborhood/Community Convenience Center; as well as areas subsequently designated as Neighborhood/Community Convenience Centers.

Commercial Districts are subdivided into four (4) sub-districts which specify the types of uses which will be permitted as well as specific property development regulations pertaining to the sub-district.

Commercial sub-districts shall be shown on the plans submitted for Area Master Plan approval. Upon approval of said Area Master Plan, all development within each sub-district shall comply with the regulations for said district.

6.06.02 GENERAL REGULATIONS FOR ALL COMMERCIAL SUB-DISTRICTS

A. MAXIMUM COMMERCIAL ACREAGE

The maximum number of acres used for commercial purposes in the GATEWAY Community shall be as set forth in Section 1.05 of this Ordinance, unless additional acreage is approved at the time of Area Master Plan approval.

In calculating commercial acreage, any land within an area designated as commercial which is utilized for public street rights-of-way, water management facilities, golf course, or public schools, parks or facilities shall be excluded.

B. PERMITTED USE IN ALL COMMERCIAL SUB-DISTRICTS

The following uses are permitted in all commercial sub-districts:

1. Public and private parks and commonly owned open space.
2. Golf Courses
3. Conservation and water management facilities in accordance with Section 6.03 and 4.05.
4. Signs in accordance with Section 7.03.
5. Accessory Uses and structures customarily associated with commercial uses permitted in the sub-district.

C. DEVELOPMENT STANDARDS FOR ALL COMMERCIAL DEVELOPMENT WITHIN GATEWAY

The following standards shall apply to all commercial districts or sub-districts within the GATEWAY Community.

1. Fences, Walls & Hedges

In accordance with Section 5.07.

2. Off-Street Parking & Loading Areas

In accordance with Lee County Zoning Regulations and the landscaping requirements of this Ordinance.

3. Signs

In accordance with Section 7.03.

4. Lighting

Lighting facilities shall be arranged in such a manner as to protect off-site properties from direct light.

5. Merchandise Storage & Display

Unless specifically permitted in the district use regulations of this Ordinance, outside storage or display of merchandise is prohibited unless screened from view to a height of six (6) feet above ground level, from abutting public streets and residential areas.

6. Utility Areas

Utility areas, including trash receptacles, shall be completely screened from the view of customers and adjacent property owners to a height of six (6) feet above ground level.

6.06.03 NEIGHBORHOOD/COMMUNITY CONVENIENCE CENTERS

A. PURPOSE

The purpose and intent of the Neighborhood/Community Convenience Centers is to provide commercial areas to be developed as shopping centers compatible with neighboring residential uses for the purpose of serving the convenience and day-to-day shopping needs of surrounding neighborhoods.

B. PERMITTED USES AND STRUCTURES

No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part for other than the following:

1. Apparel Shops: including, but not limited to, clothing, hats, jewelry, shoes, and other customary clothing accessories.
2. Automobile Service Station - minor repairs
3. Banks and Financial Institutions - drive-in facilities permitted.
4. Car Wash
5. Churches
6. Clubs, Private
7. Convenience Food and Beverage Stores - self-service fuel pumps permitted.
8. Drive-In Restaurant or Refreshment stand
9. Drug Stores, Pharmacies, Apothecary Shops
10. Food Stores: including, but not limited to, bakeries (retail, limited on-site preparation); confectionaries; fish; food; groceries; meat; milk products; produce; vegetables, and other foods including supermarkets.
11. Garden - lawn supplies & equipment: outdoor display permitted
12. Hardware, Paint, Floor & Wall covering
13. Home Appliance, furniture, furnishings & supplies
14. Offices, Business and/or Professional
15. Package Stores - no on-site consumption
16. Parking garage
17. Personal Services including, but not limited to: barber, beauty salons, health spas, laundry & dry cleaning pick-up establishments, self-service laundries, and the like.
18. Pet Stores including pet grooming but not boarding, PROVIDED all activities are conducted totally within an enclosed building with no outside runs.
19. Recreation Facilities - indoor only - including, but not limited to: arcades, bowling alleys, game rooms, theater.
20. Repair Services including, but not limited to: small electrical appliances, radio, television and electronic equipment; bicycles and other house hold furnishings but excluding the repair of gasoline or diesel engines.
21. Restaurants including fast food. Consumption of alcoholic beverages by special exception only.

22. Specialty Shops including, but not limited to: antique and curio shops but not second hand stores, arts, crafts and hobby shops, auto and boat parts (new or used), bait and tackle shops, bicycle sales, rental & repair, bookstores, butchers, florists, gifts & souvenirs, music shops, newsstands, novelty shops, optical, stationary, sporting goods, tobacco shops, and other similar retail sales or service shops.
23. Studios for artists, radio or television broadcasting (no towers), dancing or music instruction in completely enclosed, sound-proofed buildings, interior decorating, photography, and the like.
24. Variety Stores
25. Any other Commercial use including child care centers or professional service which is comparable in nature with the foregoing uses and which the Director determines to be compatible in the Neighborhood/Community Convenience Centers.
26. Accessory uses and structures customarily associated with the uses permitted in this district.

C. USES PERMITTED BY SPECIAL EXCEPTION ONLY

1. Cocktail lounge or bar
2. Funeral home or Mortuary

D. PROPERTY DEVELOPMENT REGULATIONS

It is the stated intent and purpose of the Neighborhood/Community Convenience Center District that commercial areas so designated shall be developed as shopping centers compatible with surrounding neighborhoods. Therefore, all areas so designated on the Area Master Plan shall be subject to site plan approval in accordance with Section 3.05 of this Ordinance; the general regulations contained in Section 6.06.02.C., and the following:

1. Minimum Parcel Dimensions
 - a. Minimum Area: Five (5) acres
 - b. Minimum Parcel Width: 200 feet
 - c. Minimum Parcel Depth: 300 feet
2. Minimum Setbacks from Parcel Lines
 - a. From a collector or arterial street: 50 feet
 - b. From any other street: 25 feet
 - c. Any other parcel boundary line: 50 feet
3. Minimum Distance Between Buildings
 - a. All buildings located on the same parcel shall be separated by a minimum distance of twenty five (25) feet or one-half ($\frac{1}{2}$) the sum of their height, whichever is greater. Exceptions may be granted in accordance with Section 5.04.
4. Minimum Floor Area:

The minimum permitted ground floor area of any building shall be one thousand (1,000) square feet PROVIDED that free-standing structures of nationally recognized standard size less than one thousand (1,000) square feet may be permitted when approved as part of the site plan and parcel plan review process.

5. Maximum Building Height:

Three (3) stories, or thirty five feet, whichever is less. Buildings may be approved up to forty-five (45) feet in height provided that all minimum setbacks from parcel lines required in sub-section 6.06.03. D.2 are increased by one (1) foot for every two (2) feet by which the building exceeds twenty five (25) feet.

6. Outlots

Areas indicated as outlots for later development adjacent to the main shopping center shall comply with the following requirements:

a. Minimum Lot Dimensions

- 1) Lot Area: 10,000 sq. ft.
- 2) Lot Width: 100 feet
- 3) Lot Depth: 100 feet

b. Minimum Setbacks from all lot lines:

Twenty-five (25) feet

c. Minimum Floor Area:

Same as indicated in 6.06.03 D.4.

d. Maximum Building Height

Three stories or thirty-five feet, whichever is less.

6.06.04 GENERAL OFFICE DISTRICT

A. PURPOSE

The purpose and intent of the General Office Area is to encourage development of office parks and buildings which would be compatible with neighboring uses and to integrate other complementary uses within that environment. This Part is to set forth the development standards for those areas designated as General Office Area on Exhibit "C" - Community Plan, and on the Area Master Plan.

B. PERMITTED USES AND STRUCTURES

No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part for other than the following:

1. Banks and Financial Institutions - drive-in facilities permitted.
2. Churches
3. Clubs, Private
4. Cocktail lounge or Bar - No special exception required for on-site consumption of alcoholic beverages.
5. Community Facilities
6. Cultural Facilities
7. Communication Towers
8. Health Clinics including, but not limited to, medical, dental, optical, chiropractic, osteopathic plus related facilities such as blood banks and organ donor facilities.
9. Hospitals
10. Hotels and Motels - although each hotel or motel unit constructed shall count as one half (1/2) of a dwelling unit in accounting for the overall permitted 19,932 dwelling units for the entire Community, hotel or motel units constructed within area shall not be counted against the 200 dwelling units permitted within area pursuant to Section 1.05 of this Ordinance.
11. Institutional Facilities (see definitions)
12. Laboratories for research and/or analysis PROVIDED THAT:
 - a. Operation of heavy machinery or equipment is not conducted;
 - b. All work is done within enclosed structures;
 - c. No product is manufactured or sold, except incidental to the permitted use.
13. Nursing Home, Rest Home or Extended Care Facility or Adult Congregate living facility - see definitions
14. Offices, Business and/or Professional
15. Parking garage
16. Restaurants - excluding fast food and drive-ins
17. Recreation Facilities limited to health clubs, golf courses, tennis, shuffleboard or other similar courts, parks and other similar type outdoor recreation clearly ancillary to permitted uses.
18. Retail Sales & Services - limited to retail sales clearly ancillary to, and primarily for the use of persons employed, or using the services of, a permitted use. Such uses may include, but are not necessarily limited to specialty shops and personal services.

19. Schools, Colleges & Universities
20. Schools, business, professional or trade
21. Other similar uses when approved by the Director.

C. PROPERTY DEVELOPMENT STANDARDS

All development within the General Office District shall comply with the general regulations contained in Section 6.06.02 C as well as the following:

1. Minimum Parcel Dimensions
 - a. Minimum Area: 20,000 sq. ft.
 - b. Minimum Parcel Width: 100 feet
 - c. Minimum Parcel Depth: 150 feet
2. Minimum Setbacks
 - a. All buildings shall be set back from all parcel boundary lines a minimum of fifty (50) feet plus one (1) foot for each two (2) feet of height above fifty (50). Buildings may be permitted over man-made water bodies in accordance with Section 3.05.
 - b. Within an individual building parcel, all buildings shall be separated a minimum of fifty (50) feet or 1/2 the sum of their heights, whichever is greater. Exceptions may be granted in accordance with Section 5.04.
3. Minimum Floor Area:

The minimum ground floor area of any building shall be one thousand (1,000) square feet.
4. Maximum Building Height:

Maximum permitted height for any building shall be ten stories or 120 feet, whichever is less, PROVIDED THAT all setbacks are increased in accordance with Section 6.06.04.C.2.

6.06.05 BUSINESS/COMMERCIAL DISTRICT

A. PURPOSE

The purpose and intent of the Business/Commercial District is to provide for a wide range and compatible mix of office, commercial, and manufacturing uses, for those portions of areas designated on Exhibit "C" - Community Plan as Business/Commercial Area, and the Area Master Plan.

B. PERMITTED USES AND STRUCTURES

No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part for other than the following:

1. Automobile, boat, golf cart, motorcycle, motor home, Recreational Vehicle, trailer and/or truck sales, repair, storage, or rental, not to include auto salvage.
2. Automobile Service Station - major repair
3. Banks and Financial Institutions - drive-in facilities permitted.
4. Building materials Sales & Storage - including but not necessarily limited to, lumber yards, electrical or plumbing supplies, pre-fabricated swimming pools or concrete products, and other similar building materials.
5. Business Services including, but not necessarily limited to armored car, limosine, taxi and other similar services; contractors offices, storage and equipment yards; carpet cleaning and mending; exterminating and fumigating services; heating, ventilating and air conditioning; electrical and plumbing; lawn maintenance; roofing; water softening and conditioning; well drilling. Any other business service which, in the opinion of the Director, is of a similar type.
6. Club, Private
7. Cocktail lounge or bar
8. Equipment Sales, repair, service.
9. Farm Supplies & Equipment - sales & service
10. Food & Beverage Production including, but not necessarily limited to, bakeries, beverage bottling, canning & preserving of food, confectionary preparation and other similar type establishments engaged in the processing and preparation of foods or chemicals which result in the creation of a new food product.
11. Food Stores including supermarkets
12. Garden & Landscaping supplies, equipment and service.
13. Gasoline Dispensing System - Special. Gasoline dispensing system which is card operated for governmental or commercial entities only in accordance with the provisions of Chapter 4A-16, Part VI "Service Stations" of the Florida Administrative Code.
14. Hardware, Paint, Floor or Wall Covering Establishments
15. Home Appliance, Furniture, Furnishings sales, repair or service
16. Offices - Business and/or Professional
17. Manufacturing - Mechanical including, but not necessarily limited to: Awning, canvas and canopy products; boats; book binding; bottling; cabinet making; carpet and rugs; clothing; electrical appliances, instruments, devices, or equipment; fence; furniture; glass (but not smelting); handicrafts; jewelry and silverware; leather goods; mattress; millwork; novelty; optical; ornamental iron and

metal working; precision instruments; publishing and printing; sheet metal products; signs; tinsmith; tool and die shops; upholstery shops; welding shops; and woodworking.

18. Night Club
19. Recreational Facilities - Commercial - Outdoor except those uses listed in subsection 6.06.05.C.2.
20. Repair Services - all types
21. Restaurants including fast food and drive-ins
22. Self service Fuel Pump Service Station - see definition
23. Towers - includes, but is not limited to, relay, transmission or receiving towers or any other specialized towers such as cooling or smoke stacks used for a commercial, industrial or public use.
24. Warehousing, space for rent - Terminal facilities available to the general public at a fee for the storage of farm products, furniture and other household goods or commercial or private goods of any nature. Uses include, but are not limited to:

Mini-warehouses - Food lockers - Cold storage
25. Warehousing, General
26. Wholesale - Sales - any establishment handling primarily wholesale sales of goods or commodities.
27. All uses permitted in the General Office District, other similar uses when approved by the Director.

C. USES REQUIRING SPECIAL EXCEPTION

The following uses may be permitted by Special Exception only PROVIDED that Special Exception is not required if the specific use and location is clearly shown on, and approved as part of the Area Master Plan:

1. Manufacturing - Chemical

Animal rendering or reduction plant
Asphalt or concrete products manufacturing
Asphalt mixing or batch plants
Battery - manufacturing
Boat manufacturing - fiberglass
Brewery
Cement products - production
Chemicals - manufacturing and warehousing
Concrete - aggregate or ready mix or batch plant
Cosmetic manufacturing
Dipping vats
Dry cleaning plant
Dry ice manufacturing
Electroplating
Fertilizer mixing or production
Fish or wood - product distillation
Metallizing processes
Mixing or manufacture of exterminator poisons
Oil refinery
Petroleum or coal derivatives
Propane gas and fuel, production, sales and service
Pulp and paper product manufacturing
Smelting
Soap manufacturing
Tire vulcanizing, retreading and capping
Tobacco products, manufacturing
Vulcanizing

Establishments engaged in the chemical transformation of materials or substances into new products including the blending of materials

such as lubricators, oils, plastics, resins, liquors, asphalt or concrete.

Any industry which, in the course of their normal day-to-day operations, uses or produces hazardous materials including, but not limited to: 1) inorganic mineral acids of sulphur, fluorine, chlorine, nitrogen, chromium, phosphorus, selenium and arsenic, and their common salts; 2) lead, nickel, or mercury and their inorganic salts or metallo-organic derivatives; and 3) coal, tar acids such as cresols and their salts.

2. Recreational Facilities - Commercial including uses such as:

Amusement parks, rides and concessions
Dog track
Drag strip - commercial racing
Drive in Theater
Go Cart Track
Hunting or fishing club, camp or lodge
Racetrack
Range - rifle, pistol, trap or skeet
Water slides

3. Truck, Freight Terminal

D. PROPERTY DEVELOPMENT REGULATIONS

All development within the Business/Commercial District shall comply with the general regulations contained in Section 6.06.02 C as well as the following:

1. Minimum Parcel Dimensions

- a. Minimum Parcel Area: 20,000 sq. feet
- b. Minimum Parcel Width: 100 feet
- c. Minimum Parcel Depth: 150 feet

2. Minimum Setbacks from Parcel Lines

- a. All buildings shall be set back from all parcel boundary lines a minimum of twenty-five (25) feet plus one (1) foot for each two (2) feet of building height above twenty five (25) feet, PROVIDED that, no building shall be placed closer than fifty (50) feet plus one (1) foot for every two (2) feet of building height over fifty (50) feet, from any collector or Arterial Street.
- b. Within a single parcel, all buildings shall be separated by a minimum of twenty five (25) feet or 1/2 the sum of their height, whichever is greater.

3. Minimum Floor Area

The minimum ground floor area for a principal building shall be 1,000 sq. feet. Accessory buildings in the same lot may be less.

5. Maximum Building Height

Maximum building height for any building shall be ten stories or one hundred feet, whichever is less.

6.06.06 TOWN CENTER

A. PURPOSE

The purpose and intent of the Town Center is to establish areas for hotels, offices, multi-family residences, and certain commercial facilities serving GATEWAY residents, the Greater Lee County area and the visiting public. This Section shall set forth the development standards for that area designated on Exhibit "C" - Community Plan as the Town Center Area, and on the Area Master Plan.

B. PERMITTED USES AND STRUCTURES

No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part for other than the following:

1. Principal Uses

- a. Auto Service Station - minor repairs
- b. Botanical and Zoological Gardens
- c. Churches
- d. Clubs, Private
- e. Cocktail lounge or bar
- f. Conference Center(s)
- g. Cultural Center(s)
- h. Health Care Clinics
- i. Hotels and Motels - Although each hotel or motel unit constructed shall count as one half (1/2) of a dwelling unit in accounting for the overall permitted 19,932 dwelling units for the entire Community, hotel or motel units constructed within area 1 shall not be counted against the 200 dwelling units permitted within area 1 pursuant to Section 1.05 of this Ordinance.
- j. Multiple-Family Dwelling Units - provided not more than 200 units are permitted throughout area 1, except as provided for in Section 1.07.
- k. Night Clubs
- l. Offices, Business and/or Professional
- m. Restaurants but not including drive-in
- n. Theaters (indoor only)
- o. Other similar uses when approved by the Director.

2. Permitted Retail Commercial uses

- a. Apparel shops
- b. Department Stores
- c. Drug Stores
- d. Food Stores
- e. Package Stores
- f. Parking Garage

- g. Personal Services including, but not limited to barber, beauty salons, health spas, laundry and dry cleaning pick up establishments.
 - h. Recreation Facilities - indoor - commercial
 - i. Specialty Shops including, but not necessarily limited to: antique and curio shops but not second hand stores, arts, crafts and hobby shops, bait and tackle shops, bicycle rental, bookstores, florists, gift and souvenir shops, newstands, novelty shops, stationary shops and other similar retail sales or services.
 - j. Studios for artists, photography, interior decorating and similar uses.
3. Other Uses

The Director may approve any other commercial or professional service which is comparable and compatible with the stated purpose and intent of this District.

C. PROPERTY DEVELOPMENT STANDARDS

All development within the Town Center District shall comply with the general regulations set forth in Section 6.06.02 C. as well as the following:

- 1. Minimum Parcel Dimensions
 - a. Minimum Parcel Area: 20,000 sq. ft.
 - b. Minimum Parcel Width: 100 feet
 - c. Minimum Parcel Depth: 150 feet
- 2. Minimum Setbacks
 - a. Abutting on collector or Arterial road: 50 feet plus one (1) foot for each two (2) feet of building height above fifty (50) feet.
 - b. All other parcel boundary lines: 25 feet plus one (1) foot for each two (2) feet of building height above thirty five (35) feet. See Section 6.06.06 D.
- 3. Minimum Distance between Buildings
 - a. When two (2) or more buildings are on the same parcel they shall be separated by a minimum of twenty five (25) feet or 1/2 the sum of their heights, whichever is greater. See Section 6.06.06 D.
- 4. Maximum Building Height: 10 stories

D. EXCEPTIONS TO REGULATIONS

In order to permit maximum flexibility in designing and planning for an innovative development within the Town Center District, the Director shall have broad powers after consulting other County Agencies, to waive parcel boundary line setbacks and minimum distances between buildings specified in Sections 6.06.06 C.2.b and C.3 PROVIDED THAT:

- 1. All building and fire code requirements are met.
- 2. No development is permitted that could endanger the health or safety of the occupants or general public.
- 3. The Director's authority is discretionary and is not to be requested by a Developer as a matter of right.

4. The Director may place whatever restrictions or conditions he feels necessary to achieve the purpose and intent of this district, and to protect the general public.

SECTION VII

SPECIAL REGULATIONS

7.01 PURPOSE

The purpose of this section is to set forth the regulations for landscaping and signs for all property within the GATEWAY Community.

7.02 LANDSCAPING

7.02.01 General

Landscaping for the following land uses include, at a minimum, the following number of trees and shrubs, in addition to landscaping required in other portions of this Section.

A. Single Family Detached and Attached

Each lot of less than one hundred (100) feet frontage shall contain in the required yard areas a minimum of three (3) trees and fifteen (15) shrubs or other approved plant material, plus one tree and five (5) shrubs for each two thousand (2,000) square feet of lot area over twelve thousand (12,000) square feet or portion thereof. Each lot of more than one hundred (100) feet frontage shall contain in the required yard areas a minimum of four (4) trees and twenty (20) shrubs plus one tree and five (5) shrubs for each two thousand (2,000) square feet of lot area over twelve thousand (12,000) square feet, or portion thereof. Not less than seventy-five (75) percent of the required landscaping shall be planted in the front of the lot, except odd-shaped lots that converge in the front, creating a lesser lot area in the front one-half (1/2) of the lot, may have no less than fifty (50) percent of the required landscaping in the front one-half (1/2) of the lot.

B. Multi-Family

Each parcel shall contain in the yard areas a minimum of one (1) tree and six (6) shrubs per two thousand (2,000) square feet of parcel area, or portion thereof.

C. Commercial

Each parcel shall contain one tree and five (5) shrubs for every twenty five hundred (2,500) square feet of parcel area, or portion thereof, not utilized for structures, parking, vehicular use area, or other required landscaped area.

D. Industrial

Each parcel shall contain two (2) trees and five (5) shrubs for every forty five hundred (4,500) square feet of lot area, or portion thereof, not utilized for structures and/or parking.

E. Special Provisions

1. Corner lots or parcels shall contain in the required street side yard a minimum of one tree and four (4) shrubs, in addition to that required in this chapter.
2. Lawns shall be placed on all areas not covered by main and accessory structures, walks and drives. Lawns shall extend to any abutting street pavement edge and to the mean water line of any abutting canal, lake or waterway (not to exceed thirty (30) feet from said waterline to property line) where the slope does not exceed 2:1. No lawn area shall be constructed with more than twenty (20) percent of the total area or gravel, stone, concrete, asphalt, or other similar material, excepting necessary walks and drives.

7.02.02 PERIMETER LANDSCAPING - LANDSCAPE TRANSITION YARDS

A. General

A landscape transition yard shall be required along the entire perimeter of the proposed development whenever the development use abuts a different use.

B. Land Use Categories

SFD	-	Single Family Detached
SFA	-	Single Family Attached
MF	-	Multi-Family
COM	-	Commercial Use
MCT	-	Manufacturing Use
SPWP	-	Sewage Treatment or package plant or water treatment
R.O.W.	-	Any street right-of-way, roadway, or easement.

C. Types of Landscape Transition Yards

	A	B	C	D
Minimum Width	10'	20'	25'	30'
Minimum Land (1)				
a. Trees	3	5	5	5
b. Shrubs	12	24	28	30

(1) Required number of trees and shrubs per one hundred (100) linear feet.

D. Required Transition Yards

<u>Proposed Use</u>	<u>Abutting Use</u>						
	SFD	SFA	MF	COM	MCT	SPWP	R.O.W.
SFD	*	*	A	B	C	D	(1)
SFA	*	*	A	B	C	D	(1)
MF	A	A	*	B	C	D	(1)
COMM	B	B	B	*	B	D	(1)
MCT	C	C	C	B	*	D	(1)
SPWP	D	D	D	D	C	*	(1)
ROW	See paragraph 7.02.02.F						
*	No buffer is required						
(1)	See Section 7.02.02.F						

E. Exceptions and Modifications

1. In the event a proposed development abuts another development which has provided a landscape transition yard in accordance with the above, the developer shall only be required to provide sufficient width and landscaping to bring the total land transition yard width up to the required minimum required.
2. In the case of mixed use or multi-use developments no landscape transition yards will be required.

F. Landscape Transition Yards Adjacent R.O.W.

All proposed developments shall provide a landscape transition yard whenever it abuts a street right-of-way or easement as follows:

1. Adjacent Arterial or Collector:

	Type Landscape Transition Yard
a) Residential Uses	B
b) Commercial or Manufacturing Uses	A
c) Sewage or Water Treatment	D
d) Parking Areas (See Section 7.02.03)	-

2. Adjacent Local Streets

- a) Single Family detached and attached uses shall not be required to provide a landscape transition yard. However, a minimum of one (1) tree per lot per street frontage shall be provided.
- b) All other residential, commercial, and/or manufacturing uses shall provide a type "A" Transition area.
- c) Sewage and Water Treatment plants shall provide a type "D" Transition yard.
- d) Parking Areas (see paragraph 7.02.03)

G. Use of Landscape Transition Yards

Required transition areas may be used for passive recreation such as pedestrian, bike or equestrian trails and water management.

H. Sight Distance for Landscaping Adjacent R.O.W. - General

- 1. When an accessway intersects a public right-of-way, or when the subject property abuts the intersection of two (2) or more public right-of-way, all landscaping within the triangular areas described below shall provide unobstructed cross-visibility at a level between three (3) feet and six (6) feet provided that they are located so as not to create a traffic hazard, with the following exceptions:
 - a) Trees or palms having limbs and foliage trimmed in such a manner that no limbs or foliage extend into the cross-visibility area.
 - b) Horizontal rail fences
 - c) Landscaping not located closer than three (3) feet from the edge of any accessway pavement or driveways.
 - d) Required grass or ground covers
- 2. Any landscaping located with the areas described herein shall be maintained to the standards set forth so as to not create an obstruction. The areas referred to above are:

The areas of property on the corner formed by the intersection of two (2) or more public or private roadways or accessways with a forty-five (45) degree line extended from the pavement radius point to the pavement edge of each intersecting roadway or accessway.

7.02.03 REQUIRED LANDSCAPING FOR OFF STREET PARKING

- A. All off-street parking areas shall be provided with perimeter landscaping as follows:

A ten (10) foot wide landscaped yard shall be provided between the parking area and any street right-of-way, property line, roadway, or easement.

B. Required Landscaping Adjacent Non-Residential Uses

- 1. The landscaped area shall contain a screen not less than three (3) feet in height.
- 2. Required screening shall be accomplished in one of the following ways:
 - a) A combination berm and landscaping so as to achieve a three (3) foot overall height; or
 - b) A wall at least three (3) feet in height; or

- c) A screen of landscaping which shall be a minimum of two (2) feet in height at time of planting and which will attain a height of three (3) feet within twelve (12) months of planting under normal growing conditions.
- 3. One (1) tree shall be planted or shall exist for each forty (40) linear feet, or fraction thereof along the side(s) of the area used for vehicle parking.

C. Required Landscaping Adjacent to Residential Uses

- 1. The landscaped area shall contain a screen which is at least ~~six (6)~~ eight (8) feet in height.
- 2. The screening shall be accomplished in one (1) of the following ways:
 - a. A block wall at least eight (8) feet in height; or
- 3. Trees shall be planted or shall exist along the perimeter of the parking area to the ratio of not less than one (1) tree per forty (40) linear feet or fraction thereof.
- 4. In the case of mixed use of multi-use developments this provision can be waived.

E. Required Interior Landscaping for Off-Street Parking

- 1. Interior landscaped areas shall equal or exceed a minimum of eight (8) percent of the total paved surface area.
- 2. Each separated landscaped area shall contain a minimum of two hundred (200) square feet and no dimension shall be less than three (3) feet and shall include at least one (1) tree, with the remaining area landscaped with shrubs, ground cover or other authorized landscaping material not to exceed three (3) feet in height.
- 3. Each landscaped area shall contain at least one (1) tree. One (1) tree shall be located for every thirty (30) lineal feet of landscaped area or portion thereof or with at least one (1) tree per two hundred (200) square feet of landscaped area.
- 4. Landscaped islands shall be used to subdivide parking areas into parking bays of not over forty (40) spaces per bay. No more than twenty (20) spaces shall occur in an uninterrupted row.

7.03 SIGNS

Signage in the Westinghouse Gateway Communities will be controlled by this Section and any current Lee County regulations on signs with the most restrictive provisions controlling.

7.03.01 PURPOSE

- A. The purpose of this Section is to create the framework for a comprehensive and balanced system of sign control, thereby facilitating a clean and pleasant communication between people and their environment. It is the intention of these regulations to control those signs which are intended to communicate to the off-premises general public and to authorize the use of signs which are:
1. Compatible with their surroundings;
 2. Legible under the circumstances in which they are seen; and
 3. Conducive to promoting traffic safety by preventing visual distractions.
- B. The provisions of this Section shall govern and regulate the number, size, location, and character of all signs which may be permitted as a principal or accessory use and are intended to supplement any other sign regulations as may be adopted by Lee County. In the event that regulations contained herein conflict with any other Lee County Regulation, the most restrictive shall apply.

7.03.02 APPLICABILITY

- A. Except as provided herein, no person shall erect, post, display, install or change any sign or sign structure within the GATEWAY Community except in compliance with those regulations, and after having first obtained a permit in accordance with Section .
- B. These regulations do not apply to any sign erected by the Federal, State or County government.

7.03.03 DEFINITIONS

- A. For the purposes of this section the following words and phrases shall have the following meanings:
1. General Terms
 - a. Sign: A device or representation for visual communication that is used for the purpose of bringing the subject thereof to the attention of the general public, provided however, that official flags (defined) shall not be interpreted to be signs.
 - b. Permanent sign: Any sign which, when installed, is intended for permanent use. For the purposes of this section any sign with an intended use in excess of twelve (12) months from the date of installation shall be deemed a permanent sign.
 - c. Portable Sign: Any sign on its own wheels or located on a trailer and which can easily be moved from one location to another (see also Section 7.03.03.A.2.s - Sandwich signs).
 - d. Temporary sign: Any sign intended for a use not permanent in nature. For the purposes of this section any sign with an intended use of twelve (12) months or less shall be deemed a temporary sign.
 2. Characteristics and Types of Signs
 - a. Advertising bench: A bench or seat available to the public which bears any form of advertising material Provided that a bench or seat provided by a non-profit organization as a community service and bearing the logo of the organization, shall not be considered an advertising bench.

- b. Animated sign: Any sign which emits smoke, sound or steam or which utilizes motion of any part by any means, including wind power, or displays flashing, oscillating or intermittent lights, provided that time/temperature devices and official flags shall not be included in this definition.
- c. Banner: A sign other than an official flag, having the characters, letters or illustrations applied to cloth, paper, or fabric of any kind with only such material for backing, including balloons or other air filled devices, but not including dirigibles.
- d. Billboard: A structure, utilized for advertising an establishment, an activity, a product, service or entertainment, which is sold, produced, manufactured, available or furnished at a place other than on the property on which said sign is located.
- e. Box or cabinet sign: Any sign, the face of which is enclosed, bordered or contained within a box-like structure, frame or other device.
- f. Canopy sign: A sign attached to the face of, or hung from, a canopy or covered structure which projects from, or is supported by a building, when such canopy or covered structure extends beyond the building.
- g. Fascia sign: A sign attached or painted on the fascia of a building.
- h. Ground or freestanding sign: A self-supported structure not attached or affixed in any way to a building or any other structure.
- i. Illuminated sign: Any sign having characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes designed for that purpose, whether or not said lights or tubes are physically attached to the sign.
- j. Internal illumination: A light source concealed or contained within the sign which becomes visible by shining through a translucent surface.
- k. Item of Information: Each syllable, logo, symbol, or number or abbreviation.
- l. Logo: A sign used to signify an organization, corporation, or the like, as opposed to a "symbol."
- m. Neon or Bare Bulb sign: A sign in which letters, characters, symbols or logos are oriented by use of neon tubes or bare (exposed) light bulbs.
- n. Official Flag: A flag representing the United States, State of Florida, or other Federal, State, or County Agency, or other flag as approved herein.
- o. Pennants, Streamers, Strings of Lights, Search Lights: Any flag like piece of cloth, plastic or paper attached to any staff, cord, building, or other structure at only 1 or 2 edges, the remainder hanging loosely.
- p. Pole sign: A sign erected upon a pole or poles and which is wholly independent of any building or other structure for support.
- q. Projecting sign: A sign attached to and supported by a building or other structure and which extends at any angle therefrom.

- r. Roof sign: Any sign erected over or on a roof or canopy, or extending above a roof line, which is dependent upon the roof, canopy, parapet or upper walls of any building, or portion thereof, for support.
- s. Sandwich, Sidewalk, or "A-Frame" sign: A movable sign not secured or attached to the ground or building see also Section 5.15.03. A.3 Portable Signs.
- t. Sign area: The area enclosed by a perimeter line encompassing all the items of information in a sign or the area of a sign face.
- u. Sign face: The part of the structure that is intended primarily for or can be utilized for communication purposes.
- v. Snipe sign: A sign which is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, or fences, or to other objects with the message appearing thereon not applicable to the present use of the premises or structures upon which the sign is located.
- w. Symbol: A sign used to signify a use or activity, rather than an organization or corporation.
- x. Vehicle sign: A sign affixed to or painted on a motor vehicle including automobiles, trucks, boats, trailers and campers for the purpose of advertisement.
- y. Wall sign: A sign which is approximately parallel to and supported by any wall or other enclosure.
- z. Window sign: A sign located on a window or within a building or other enclosed structure which is visible from the exterior through a window or other opening intended to attract the attention of the general public.

3. Function of Signs

- a. Advertising: A sign intended to aid, directly or indirectly, in the sale, use or promotion of a product, commodity, service, activity, or entertainment.
- b. Announcement Signs: Signs intended to inform the general public of an upcoming event including, but not necessarily limited to:
 - 1) Future Construction: announcing a project or development to be under construction or an intended use of the premises, in the immediate future. See Section .
 - 2) Grand Opening
 - 3) Going Out of Business
 - 4) Project Sign: A sign identifying a building complex, or a use which is currently under construction. See Section 7.03.05.A.1.
- c. Direction or Information Sign: A non-advertising sign located on and relating to an activity on the same premises, which provides direction or information to the public including, but not necessarily limited to, "entrance", "exit", "caution", "no trespassing", "parking", "rest rooms", "deliveries in rear", "hours of business".
- d. Identification Sign: A sign intended to identify the name and/or address of a building, project, subdivision, business, commodity, place, service or function on the same property or under construction as the sign is located, but containing no advertising. Such signs include, but are not necessarily limited to:

- 1) Building directory sign: A sign indicating the location of an activity or service, incidental to a use, but not advertising the use in any manner.
- 2) Business or Corporation Logo or Symbol
- 3) Community service sign: A temporary sign which advertises solely a function of a governmental, religious or non-profit organization.
- 4) Functional Organization Symbol or Logo
- 5) Historical Marker or Plaque
- 6) Nameplate sign: A sign indicating the name, and/or profession or address of a person or persons residing on the premises or legally occupying the premises.
- 7) Neighborhood identification sign: A sign which indicates the name of a Neighborhood.
- 8) Street name and/or address
- e. Political or Issue Sign: Any sign which indicates the name, cause or affiliation of anyone seeking public office, or which indicates any issue for which a public election is scheduled to be held.
- f. Real Estate Signs:
 - 1) Model sign: A sign indicating a dwelling unit which is not for sale or lease, but which represents other units of similar design that are for sale - see Section .
 - 2) Rent, Sale or lease sign: A sign erected by the owner, or agent, indicating property which is for rent, sale, or lease. See Section .

7.03.04 PROHIBITED SIGNS AND SIGN STRUCTURES

- A. Except as specifically provided for herein, the following signs and sign structures are hereby prohibited within the GATEWAY Community:
 1. Advertising Benches - see 7.03.03 A.2.a.
 2. Animated signs except time and/or temperature devices
 3. Banner signs, flags, pennants or bunting when used for advertising purposes except as specifically approved in sub-section 7.03.05.A.2.
 4. Billboards
 5. Exposed neon tubes or bare bulb signs
 6. Pole signs
 7. Roof signs and signs projecting above a canopy
 8. Sandwich or sidewalk signs except in the Town Center District
 9. Signs attached to trees or other vegetation
 10. Signs (other than permitted nameplate and non-advertising direction or information signs) on the sides or rear of any building or property directly facing property platted for, or used for residential structures.
 11. Snipe signs
 12. Vehicle signs except as provided in Section 7.03.05.A.13.

13. Other

- a. The display of merchandise, or the parking of unusual vehicles, or the use of any other unusual device or contrivance visible from a public or private street or right-of-way, for advertising or commercial purposes, shall be deemed to be prohibited by this Section.
- b. Any sign that is contemptible, vile, obscene, degrading or detracting from the surrounding neighborhood as determined by community standards.
- c. Any sign which constitutes a traffic hazard or a detriment to traffic safety by reason of its size, location, movement, content, coloring, or method of illumination, or by obstructing the vision of drivers, or by obstructing or detracting from the visibility of any official traffic control device by diverting or tending to divert the attention of drivers or moving vehicles from traffic movement on streets, roads, intersections, or access facilities; nor shall any sign be erected in such a manner as to obstruct the vision of pedestrians. The use of flashing lights, or revolving lights is prohibited in any sign as constituting a hazard to traffic. Any sign which by glare or method of illumination constitutes a hazard to traffic is prohibited. No sign may use the words "Stop", "Look", "Drive-in", "Danger", or any other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse traffic.

7.03.05 PERMITTED SIGNS

- A. The following signs shall be permitted provided they comply with subsection 7.03.06 of this ordinance, as well as the following:

1. Announcement Sign

A temporary sign announcing a project to be under construction or an intended use of the premises in the immediate future, shall be permitted in accordance with the following:

- a. One freestanding sign allowed per street frontage per project
- b. Sign area shall not exceed sixteen (16) square feet and shall not exceed six (6) feet in height above the crown of any abutting street
- c. A sign announcing a project to be under construction or an intended use of the premises in the immediate future may include only the project name; the nature of development (e.g. professional office, villas, townhouses, condominium, etc.); the name of the owner or agent; and one (1) telephone number.

Said sign may be posted for a thirty (30) day period at the end of which time continued use of said sign shall be subject to approval by the Director. Such sign shall be removed upon issuance of a building permit for the project. The foregoing notwithstanding, signs announcing the development of a recorded subdivision may be posted for a twelve (12) month period from the date of recording the subdivision plat.

- d. A sign announcing a building or building complex which is under construction may include only the name of the project; the nature of the development, the name of the general contractor; the name of the architect; the name of the primary lending institution; the name of the owner or agent; the words "models available" or "models open", if appropriate; and one (1) telephone number.

Said sign(s) may be posted from the date of issuance of the building permit up to the date the certificate of occupancy is issued or when the permanent project identification sign is installed. Written approval shall be obtained from the Director for each forty-five (45) day period thereafter.

2. Banner Signs

Banner signs may be permitted as follows:

- a. Religious, charitable or civic organizations may use banner signs or other temporary signs in connection with their sponsorship of temporary events, provided that such use shall not exceed seven (7) days for any one (1) event. The organization shall remove the signs immediately after the event.
- b. Corporate Flags: A flag displaying the corporate logo of the owner or major tenant of a commercial structure shall be permitted so long as the display of the flag, in addition to other official flags does not exceed three (3) flags per structure.
- c. Window Signs, Merchandise Display: Commercial establishments shall be entitled to use window signs for the temporary advertisement of special events at their place of business. Such window signs may be banner signs; but they may not be electrical signs, nor may more than one (1) window sign be used for each twenty (20) feet or fraction thereof of display window frontage, nor may any such sign exceed six (6) square feet in area. Displays of merchandise in the display window of a commercial establishment, which are customary in that particular type of business, shall not be subject to the requirements of this Section.

3. Church Signs

Churches shall be permitted one (1) display cabinet not to exceed twenty (20) square feet in area.

4. Community Entry Signs

Community entry signs shall be permitted in accordance with the following:

- a. Community entry signs may be located at the community's entrances located along Daniels Road, S.R. 82, Colonial Boulevard, Tree Line Road, and at the community's residential entrance located at the arterial intersection north of the Town Center.
- b. Two (2) single faced freestanding signs or one (1) double faced freestanding sign not exceeding sixty-four (64) square feet per sign face may be located at each major entry to the community.
- c. Community entry signs may be located in rights-of-way when approved by the County Engineer
- d. Community entry signs shall be constructed by the Master Developer only.

5. Memorial Signs or Tablets

Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible material not exceeding three (3) square feet in area.

6. Nameplate Sign

A sign indicating the name, and/or profession or address of a person or persons residing on the premises or legally occupying the premises, as follows:

- a. Residential Areas: Nameplate Signs not exceeding two (2) square feet in area
- b. Commercial Areas: One nameplate sign shall be permitted for each business in the front and rear of the building with letters not in excess of three (3) inches in height and sign areas not in excess of three (3) feet.

7. Neighborhood Identification Sign

Neighborhood identification signs shall be permitted in accordance with the following:

- a. When located along a road having (or planned for) four (4) or more lanes, two (2) single faced freestanding signs or one (1) double faced freestanding sign not exceeding thirty-two (32) square feet per sign face shall be permitted at each major entrance to the neighborhood when said major entrances are located on different streets.
- b. When located along a road having only two (2) lanes, two (2) single faced freestanding signs, or one (1) double faced freestanding sign not exceeding sixteen (16) square feet per face shall be permitted at each major entrance to the neighborhood when said major entrances are located on different streets.
- c. Neighborhood identification signs shall include only the name of the neighborhood

8. Non-Advertising Direction or Information Signs

Non-advertising signs not exceeding two (2) square feet in area which indicate directions or similar information, and which are located on the same premises to which the information or direction refers, shall be permitted in any district.

Such signs include, but are not necessarily limited to: "entrance", "exit", "office", "caution", "no trespassing", "parking in rear", security dogs", "five lane", and other similar signs.

9. Political Candidate or Issue Sign

A temporary sign which indicates the name, cause, or affiliation of anyone seeking public office, or which indicates any issue for which a public election is scheduled to be held, may be erected or displayed provided that:

- a. They are not placed within the right-of-way of any public street
- b. The size of any such sign does not exceed four square feet
- c. Any such sign is not erected or displayed more than three (3) months prior to the election to which the sign relates
- d. The erection of such sign or an authorized agent of the political party or candidate deposits with Lee County, bond or other security acceptable to Lee County, in accordance with current regulations, as a guarantee that all such signs will be removed within seven (7) days after the date of the election to which such signs relate. If such signs are not removed at the end of said seven (7) days, the County shall have the right to remove them with no fiscal liability or responsibility and keep the full sum deposited to reimburse the expenses thereby incurred. Additionally, failure to timely remove such signs shall result in violation of this ordinance.

10. Real Estate Sign(s)

- a. Temporary freestanding real estate sign(s) or one wall or window real estate sign(s), erected by the owner or his agent indicating property which is for rent, sale, lease, and/or development shall be permitted upon any lot, parcel, tract, structure, or leasable space subject to the following:
 1. One freestanding real estate sign or one wall or window real estate sign shall be permitted per street frontage;
 2. No freestanding sign(s) so permitted shall exceed six (6) feet in height above the crown of any abutting road;

3. No sign shall be permitted in a public right-of-way, or within fifteen (15) feet of any property line;
4. Sign area per permitted sign shall not exceed four (4) square feet;
5. Sign copy shall be limited to: Situation (sale, rent, lease, zoning, size of property); name of owner; broker or agent; phone number; designs or trademarks - such design or trademark shall not comprise more than twenty percent (20%) of the total sign area
6. One additional sign may be hung from, or attached to, the approved sign announcing one additional bit of information, limited to: For rent, for lease, open, by appointment only, waterfront, pool, size, number of bedrooms, zoning, associate's or salesperson's name. In addition, a "Sold" sign may be attached to the sign for a period of thirty (30) days subsequent to the date of sale. The area of all of the above signs in this paragraph (4) shall not exceed forty-eight (48) square inches.
7. Additionally, one company freestanding "Open House" sign per street frontage shall be allowed per single family dwelling or per multifamily building. Sign area shall not exceed three (3) square feet and shall be placed upon the property to be sold or leased. The sign shall be displayed only when the premises are actually available for inspection by a prospective buyer or tenant.

b. "Model" Signs

1. One temporary freestanding "Model" or "Model Open" sign per residential building containing a model unit which is not for sale but which represents a particular unit design of similar units that are for sale, shall be permitted, PROVIDED that:
 - i) The sign area shall not exceed six (6) square feet;
 - ii) Sign copy may include only the word "Model"; the name of the builder and his agent; the number of bedrooms and baths; and one (1) telephone number
2. The foregoing shall be in lieu of the real estate sign permitted under Section 10.a. above.
3. One (1) "parking in rear" or "model parking" sign per model shall be permitted.

c. "Model Row Signs

1. Two (2) freestanding "Model Row" signs indicating a group of three (3) or more proximate model single family dwelling units, shall be permitted per group PROVIDED that:
 - i. The sign area shall not exceed twelve (12) square feet;
 - ii. Sign copy may include only the name of the developer of the model row; the "Model Row" name; and the hours of business.
2. Additionally, each model row which contains six (6) or more models shall be entitled to place two (2) signs along any major road within the Community leading to the model row. Each sign shall be no larger than three (3) square feet and the copy shall be limited to the words "Model Row". Said signs may be placed within the right-of-way with the permission of the County Engineer, and shall be located within one thousand feet of the entrance to the model row; and may remain in place as long as the property is used as a model row.

11. Shopping Centers, Hotels, Cluster Commercial Developments

In shopping centers, hotels, or other circumstances where two or more businesses occupy a single commercial complex, the permitted signs must be designed by the architect, and must be consistent with the general character of the structures. One (1) square foot of sign area per three (3) linear feet of store frontage shall be permitted at the front of each business. However, in no case shall any sign exceed sixty-four (64) square feet in area. Signs may only be internally lighted or back lighted.

12. Theaters, Playhouses, Other Culturally-oriented Establishments

Theaters, playhouses, and other culturally-oriented establishments shall be permitted two (2) display cabinets not to exceed twenty (20) square feet in area to display changeable copy or posters.

13. Vehicle Advertising Signs

The only permissible type of vehicle advertising sign, including those which are painted on the vehicle or incorporated into the paint scheme of the vehicle, is a sign affixed to the door panel or border of a motor vehicle advertising the business or product of the owner or lessor of the vehicle. A vehicle to which a permissible vehicle advertising sign is affixed may not be regularly parked on property platted for residential use unless kept in an enclosed carport or garage or unless the vehicle advertising the sign is otherwise removed from public view. This regulation shall not be construed to prohibit advertising displayed on public transportation vehicles.

14. Wall Identification Sign(s)

Individual commercial or business use structures not attached to another commercial or business use shall be allowed one front wall identification sign, not exceeding twelve (12) inches in height. Letters may only be internally lighted or back lighted.

7.03.06 REGULATIONS PERTAINING TO MEASUREMENT, PLACEMENT, CONSTRUCTION AND MAINTENANCE OF SIGNS

A. Measure of Sign Area

1. The sign area shall be measured from the outside edges of the sign or the sign frame, whichever is greater, excluding the area of the supporting structures provided that the supporting structures are not used for advertising purposes and are of an area equal to or less than the permitted sign class area. In the case of flat signs or painted wall signs without border of frame, the surface area shall include such reasonable and proportionate space as would be required if a border or frame were used.
2. When a single sign structure is used to support two (2) or more signs, or unconnected elements of a single sign, the surface area shall comprise the square footage within the perimeter of a regular geometric form enclosing the outer edges of all the separate signs or sign element.

B. Placement of Signs

In addition to regulations specified for individual types of permitted signs (Section 7.03.05), the following regulations pertaining to sign location shall be met:

1. No permanent sign shall be permitted on vacant land except as specifically provided in this ordinance.
2. No sign shall project horizontally in excess of eighteen (18) inches from the structure upon which it is constructed nor shall any sign project other than at right angles to the building front.

3. Canopy signs hung from a canopy or covered structure shall have a minimum vertical clearance of eight (8) feet and shall not exceed three (3) square feet in area.
4. All signs shall adhere to the required setbacks, except entrance and gate signs, which may be located at property lines.
5. Entrance and exit signs may be placed at appropriate locations, but not in the right-of-way unless approved by the County Engineer.
6. No sign or support shall be placed in such position or manner as to obstruct or interfere, either physically or visually, with any fire alarm, police alarm, traffic signal or sign or any devices maintained by or under public authority.

C. Construction of Signs

1. All signs shall conform to Federal and State laws, codes, rules and regulations and to the Southern Standard Building Code where applicable.
2. All structural and mechanical members utilized in the construction, erection and operation of signs shall be concealed except for vertical supports or other supporting members which are designed and arranged so as to be an integral part of the aesthetic composition of a sign.
3. All wood permitted to be used, whether for new permanent signs, for replacement of existing permanent signs, or for any part thereof, shall be rot and termite resistant, through open-cell preservation methods as specified by the American Wood Preservation Association, or by any other open-cell preservation treatment approved by the Lee County Building Department.
4. All items of information four (4) inches or larger on permanent signs shall extrude from or intrude into the sign face a minimum of three-eighths (3/8) of an inch.
5. Ground signs permitted by this Section shall not exceed six (6) feet in height above the crown of any abutting road or existing ground elevation, whichever is higher.
6. Double-faced signs with opposing faces having an interior angle greater than fifteen (15) degrees shall not be permitted.
7. Artificial light used to illuminate any sign from outside the boundaries of said sign shall be screened in a manner which prevents the light source from being visible from any abutting right-of-way or adjacent property.

D. Maintenance of Signs

1. Every sign, together with its framework, braces, angle, or other supports, shall be well maintained in appearance and in good and safe condition, properly secured, supported and braced, and able to withstand wind pressures as required by the Southern Standard Building Code.
2. All signs shall be maintained so as to present a neat, clean appearance. Painted areas shall be kept in good condition and illumination, if provided, shall be maintained in safe and good working order.
3. Any sign now or hereafter existing which no longer advertises a bonafide business conducted or a product sold is an abandoned sign and shall be taken down and removed by the owner, agency, or persons having beneficial use of the building, structure, or land upon which such sign shall be found, within thirty (30) days after written notification by the Director.

7.03.07 PERMIT REQUIREMENTS

- A. Except as provided in subsection 2, any person desiring to erect, post, display, install, or change any sign or sign structure, shall be required to obtain a permit from Lee County in accordance with the rules and requirements in effect at the time of application, as well as the following:
1. Name, address, and phone number of the applicant.
 2. Such drawings and specifications necessary to show the location, construction, materials, colors and manner of illuminating and of securing and fastening of such proposed sign.
 3. Plans approved and signed by the Gateway Community Design Review Committee or its successor.
- B. Exceptions
1. The following changes in a sign shall not require either a new permit or the payment of a fee:
 - a. Changes in the wording or legend of a sign designed for such changes.
 - b. Changes in the wording or legend of a sign if the new wording or legend does not increase the area of the sign or require structural changes therein and the changes are made by the person to whom the current sign permit was granted.
 - c. Routine maintenance of any sign which does not change the color, appearance, or size of the sign.
 2. The following signs may be erected without a permit and payment of the normal fee, subject, however, to all remaining requirements of this Ordinance:
 - a. Professional name plates not exceeding two (2) square feet in area.
 - b. Bulletin boards and identification signs for public, charitable, educational or religious institutions located on the premises of said institutions and not exceeding twelve (12) square feet in total area.
 - c. Occupational signs denoting only the name, street, number and business of an occupant in a commercial building, public institutional building, or dwelling which do not exceed three (3) square feet in area.
 - d. Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials.
 - e. Traffic or other County, State, or Federal signs, legal notices, railroad crossing signs, danger signs, and such temporary, emergency or non-advertising signs as may be approved by the Director.
 - f. Identification signs at the entrance of private residences, which do not exceed two (2) square feet in area.
 - g. Mailboxes
 - h. Non-advertising signs located on private property and not exceeding two (2) square feet in area indicating direction, danger, identification or similar necessary information (e.g. "entrances", "no smoking", "office", "no trespassing", etc.).
 - i. One (1) national flag and one (1) flag of the State of Florida and one (1) flag of a foreign state, country, prominent organization or corporation. In no case may more than three (3) flags be flown.

- j. Signs incorporated on machinery or equipment at the manufacturer's or distributor's level, which identify or advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to beverage machines, newspaper racks, telephone booths, gasoline pumps.
- k. Standard community service signs so long as they do not exceed six (6) square feet in area. Such signs shall not be posted for a period exceeding thirty (30) days.

7.03.08 REMOVAL OF SIGNS

- A. If the Director determines that any sign within this Gateway Community is unlawful, abandoned, or is not properly maintained, he shall give written notice to the owner thereof. If the owner fails to remove, alter or repair the sign within thirty (30) days after such notice so as to comply with the standards set forth, the Director may remove said non-complying sign at the expense of the permittee or person having the right to use and possession of the property upon which the sign is located, with no fiscal liability or responsibility to himself or the County.
- B. If the Director shall find that any sign regulated under these regulations is unsafe or insecure, or is a menace to the public, he may order the sign removed or repaired in accordance with the procedures established in the Southern Building Code or any other applicable code.

7.03.09 VARIANCES FROM SIGN REGULATIONS

It is recommended that the regulations provided in this Section cannot address all situations pertaining to signs. The County Commissioner is, therefore, empowered to grant variances from the provisions of this Section, excluding size requirements, upon petition filed with the Director. A variance may be granted where the variance is not contrary to the public interest and owing to special conditions a literal enforcement of the provisions of this Section may result in undue hardship. Said application for variance shall be in accordance with procedures in effect at the time application is submitted.

SECTION VIII

ADMINISTRATION AND ENFORCEMENT

8.01 ADMINISTRATION

These regulations shall be administered by the Director. The Director has the authority to interpret this ordinance in writing subject to the right to appeal as specified in Section 7.03.

8.02 APPEALS FROM DECISION OF ADMINISTRATIVE OFFICIAL

- A. Appeals may be made to the Board of County Commissioners by any person adversely affected by a decision or action of the Area Master Plan Committee, the Director, his agents, or any other administrative official charged with the enforcement of this ordinance.
- B. The Director, his agents or other administrative official from who the appeal is taken shall, upon notification of filing of the appeal, forthwith transmit to the Board of County Commissioners all documents, plans, papers or other material constituting the record upon which the action appealed from was taken.
- C. All requests for appeals from administrative decisions shall be made upon forms for the same provided by the Division and shall furnish all the information required therein.
- D. Such appeal shall be filed with the Division within ten (10) calendar days after the administrative official renders the written decision appealed from.

In exercising their power, the Board of County Commissioners may in conformity with the provision of this ordinance, reverse, affirm, wholly or partly, or modify the administrative decision.

E. Hearing of Appeals

- 1. The Board of County Commissioners shall fix a reasonable time for the hearing of the appeal and decide the question on appeal within a reasonable time.

F. Board of County Commissioners

The decision of the Board of County Commissioners on any appeal is final.

8.03 FEES

All fees shall be paid by the applicant in accordance with the current fee schedule at the time an application is filed.

CIVIL AND CRIMINAL ENFORCEMENTA. Civil Enforcement

The Board or any person with standing may have recourse to such remedies in law and equity as may be necessary to insure compliance with the provisions of these regulations, including processing a complaint through the Code Enforcement Board and injunctive relief to enjoin and restrain any person from violating these regulations. Upon a filing of a complaint, the Code Enforcement Board shall have the authority to determine violations of this ordinance.

B. Criminal Enforcement

Violation of the provisions of this regulation or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of the requirements herein shall be guilty of a misdemeanor and, upon conviction thereof, may be fined not more than Five Hundred Dollars (\$500.00) or imprisoned for not more than sixty (60) days, or both, and, in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

C. Severability

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion thereof.

D. Effective Date

This ordinance shall become effective upon receipt of the official acknowledgement from the Secretary of State that this ordinance has been duly filed.

THE FOREGOING ORDINANCE was moved for adoption by Commissioner GOSS who moved its adoption. The motion was seconded by Commissioner Slisher. Upon being put to a vote, the vote was as follows:

Commissioner Porter Goss	Aye
Commissioner Roland Eastwood	Aye
Commissioner Mary Ann Wallace	Nay
Commissioner Bill Fussell	Aye
Commissioner Donald Slisher	Aye

DULY PASSED AND ADOPTED this 31st day of May, 1985.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: Mary Ann Wallace
Deputy Clerk

By: R. Eastwood
Chairman

Approved as to form:

By: Heath Montgomery
Lee County Attorney's Office

JOHNSON ENGINEERING, INC.

2158 JOHNSON STREET
TELEPHONE 813-334-0046
POST OFFICE BOX 1550
FORT MYERS, FLORIDA
33902-1550

CIVIL ENGINEERS AND LAND SURVEYORS

January 21, 1985

CARLE E. JOHNSON
1911-1968

DESCRIPTION

LANDS OF WESTINGHOUSE GATEWAY COMMUNITIES, INC.

GEORGE SANDERS, TRUSTEE ET AL

SECTION 35, T. 44 S., R. 25 E.

SECTIONS 1, 2, 3, 4, 10, 11, AND 12, T. 45 S., R. 25 E.

SECTION 31, T. 44 S., R. 26 E.

SECTIONS 5, 6, 7, 8, 17, 18, AND 19, T. 45 S., R. 26 E.

The west half (W-1/2), the west half (W-1/2) of the northeast quarter (NE-1/4) and the north half (N-1/2) of the southeast quarter (SE-1/4), Section 35, Township 44 South, Range 25 East, Lee County, Florida.

LESS the right-of-way for Colonial Boulevard Extension (SR 884) (250 feet wide) as described in deed recorded in Official Record Book 891 at page 230, Lee County Records.

LESS the proposed Six Mile Cypress Acquisition parcel in said west half (W-1/2) of Section 35 which parcel is described as follows:

From the northwest corner of said fraction run S 00° 43' 47" E along the west line of said fraction for 126.97 feet to the the Point of Beginning.

From said Point of Beginning continue S 00° 43' 47" E along said west line for 1158.03 feet; thence run N 35° 45' 29" E for 947.82 feet; thence run N 56° 15' 44" E for 690.61 feet to an intersection with said southerly line of Colonial Boulevard Extension as described in said deed; thence run westerly along said southerly line for 1142.97 feet to the Point of Beginning.

LESS road right-of-way (100 feet wide) as described in deed to Lee County recorded in Official Record Book 1529 at page 0412, Lee County Records.

AND

All of Section 1, Township 45 South, Range 25 East, Lee County, Florida.

SUBJECT TO Florida Power & Light Company Transmission Line Easements described in deed recorded in Official Record Books 0260 and 0814 at pages 0762 and 0673, respectively, Lee County Records.

CHAIRMAN
ARCHIE T. GRANT, JR.

PRESIDENT
FORREST H. BANKS
VICE-PRESIDENT
LEIF E. JOHNSON

PRINCIPALS
LESTER L. BULSON
ROBERT S. O'BRIEN
JOSEPH W. EBNER

ASSOCIATES
DAN W. DICKEY
STEVEN K. MORRISON
KENTON R. KEILING
ANDREW D. TILTON

AND

All of Section 2, Township 45 South, Range 25 East, Lee County, Florida.

LESS road right-of-way (100 feet wide) as described in deed to Lee County recorded in Official Record Book 1529 at pages 0412 and 0415, Lee County Records.

EXHIBIT A

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AND

All of Section 3, Township 45 South, Range 25 East, Lee County, Florida.
LESS the northeast quarter (NE-1/4) and the southwest quarter (SW-1/4) of the southwest quarter (SW-1/4) of the southeast quarter (SE-1/4).
LESS the right-of-way for State Road No. 93 (Interstate-75) as described in deed recorded in Official Record Book 1056 at page 0362, Lee County Records.
LESS the Six Mile Cypress acquisition described in deed recorded in Official Record Book 1741 at page 1241, Lee County Records.

AND

All those parts of the south half (S-1/2) of the northeast quarter (NE-1/4), the east half (E-1/2) of the southwest quarter (SW-1/4) and the southeast quarter (SE-1/4), Section 4, Township 45 South, Range 25 East, lying southeasterly of Six Mile Cypress Parkway as described in deed to Lee County recorded in Official Record Book 1194 at page 0943, Lee County Records.
LESS the Six Mile Cypress acquisition described in deed recorded in Official Record Book 1741 at page 1241, Lee County Records.

AND

The northeast quarter (NE-1/4) of Section 10, Township 45 South, Range 25 East, Lee County, Florida.
LESS right-of-way for State Road No. 93 (Interstate-75) as described in deed recorded in Official Record Book 1056 at page 1362, Lee County Records.

AND

The northwest quarter (NW-1/4), Section 11, Township 45 South, Range 25 East, Lee County, Florida.
LESS road right-of-way (100 feet wide) described in deed to Lee County recorded in Official Record Book 1660 at page 0231, Lee County Records.
SUBJECT TO roadway easement (100 feet wide) described in deed to Lee County recorded in Official Record Book 1660 at page 0229, Lee County Records.

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AND

The East 2524.14 feet of the northeast quarter (NE-1/4), Section 12, Township 45 South, Range 25 East, Lee County, Florida.

AND

All that part of Section 31, Township 44 South, Range 26 East, Lee County, Florida lying southwesterly of Immokalee Road (State Road No. 82) (200 feet wide).

SUBJECT TO Florida Power & Light Company Transmission Line Easement as described in deed recorded in Official Record Book 0728 at page 0113, Lee County Records.

AND

All that part of the west half (W-1/2) of Section 5, Township 45 South, Range 26 East, Lee County, Florida lying southwesterly of Immokalee Road (State Road 82) (200 feet wide).

AND

All that part of Section 6, Township 45 South, Range 26 East, Lee County, Florida lying southwesterly of Immokalee Road (State Road No. 82) (200 feet wide).

SUBJECT TO Florida Power & Light Company Transmission Line Easements as described in deeds recorded in Official Record Books 0258, 0728 and 1606 at pages 0378, 0113 and 1275, respectively, Lee County Records,

LESS that part of the above easements released in Official Record Book 1608 at page 1674.

AND

All of Section 7, Township 45 South, Range 26 East, Lee County, Florida.

SUBJECT TO Florida Power & Light Company Transmission Line Easements as described in deeds recorded in Official Record Books 0258, 0728 and 1606 at pages 0378, 0113 and 1275, respectively, Lee County Records, LESS that part of the above easements released in Official Record Book 1608 at page 1674.

AND

All of the west half (W-1/2) of Section 8, Township 45 South, Range 26 East, Lee County, Florida.

SUBJECT TO Florida Power & Light Company Transmission Line Easements as described in deeds recorded in Official Record Books 0258, 0728 and 1606 at pages 0378, 0113 and 1275, respectively, Lee County Records.

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January 21, 1985

AND

All that part of the west half (W-1/2) of Section 17, Township 45 South, Range 26 East, Lee County, Florida lying northerly of the northerly line of the Southwest Florida Regional Airport as described in Order of Taking recorded in Official Record Book 1399 at page 1901, Lee County Records.

LESS a Florida Power & Light Company Substation Site as described in deed recorded in Official Record Book 1606 at page 1286, Lee County Records.

LESS road right-of-way (200 feet wide) as described in deed to Lee County recorded in Official Record Book 1644 at page 1739, Lee County Records.

SUBJECT TO Florida Power & Light Company Transmission Line Easements as described in deeds recorded in Official Record Book 0258, 0728 and 1606 at pages 0378, 0113 and 1275, respectively, Lee County Records.

SUBJECT TO Florida Power & Light Company Distribution Line Easement as described in deed recorded in Official Record Book 1606 at page 1288, Lee County Records.

AND

All that part of Section 18, Township 45 South, Range 26 East, Lee County, Florida lying northerly of the northwesterly line of the Southwest Florida Regional Airport as described in Order of Taking recorded in Official Record Book 1399 at page 1901, Lee County Records.

LESS road right-of-way (200 feet wide) as described in deed to Lee County recorded in Official Record Book 1644 at page 1739 and 1741, Lee County Records.

AND

All that part of Section 19, Township 45 South, Range 26 East, Lee County, Florida lying northerly of the northwesterly line of the Southwest Florida Regional Airport as described in Order of Taking recorded in Official Record Book 1399 at page 1901, Lee County Records.

LESS road right-of-way (200 feet wide) as described in deed to Lee County recorded in Official Record Book 1644 at page 1741, Lee County Records.

Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone (1979 Adjustment).

LFD/2
11779



**Westinghouse
Communities, Inc.**

3300 University Drive
Coral Springs Florida 33065

April 10, 1985

Mr. Byron R. Koste
Executive Vice President
Westinghouse Gateway Communities, Inc.
1625 Hendry Street, Suite 201
Fort Myers, Florida 33901

Dear Mr. Koste:

You have requested an opinion as to whether Westinghouse Gateway Communities, Inc. has legal authority, ownership and control to apply for a zoning change in the form of a Planned Unit Development (PUD) in Lee County, Florida, as to that portion of land delineated and described in the zoning application.

Westinghouse Gateway Communities, Inc. does have such legal authority, ownership, and control.

Westinghouse Gateway Communities, Inc. duly incorporated under the laws of the State of Florida and formerly known as Coral Ridge-Lee Properties, Inc. is party to that certain Agreement dated the 8th day of February, 1982 between Coral Ridge-Lee Properties, Inc. and George Sanders, Trustee, pursuant to which, as of this date:

- 1) Westinghouse Gateway Communities, Inc. has acquired fee simple title to 1500 acres of the property for which PUD zoning is being sought; and
- 2) Westinghouse Gateway Communities, Inc. holds an irrevocable and exclusive option to purchase an additional 3666+ acres of the property for which PUD zoning is being sought.

Pursuant to Paragraph 23 of the aforementioned Agreement, Westinghouse Gateway Communities, Inc. has and enjoys the pledged support of the optionor in procuring zoning for the contemplated development of the lands covered by the Agreement.

Under Florida law, an exclusive optionee with the pledged support of the optionor, may proceed within the legal parameters of the option agreement to apply for zoning changes affecting the optioned land. Since the optionor and

EXHIBIT B

Mr. Byron R. Koste
April 10, 1985
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Westinghouse Gateway Communities, Inc. have already expended significant amounts of both time and money, the optionor would be subject to the doctrine of equitable estoppel were he to challenge the zoning application on the basis of authority, control and ownership in the optionee.

As of this date Westinghouse Gateway Communities, Inc. has acquired fee simple title to the remaining approximately 148 acres for which PUD zoning is sought. Included within this acreage is the approximately fifteen (15) acres previously owned by Rodman, Marie, and Herbert H. McClanahan which has been acquired by Westinghouse Gateway Communities, Inc. subsequent to the filing of the application for district boundary change.

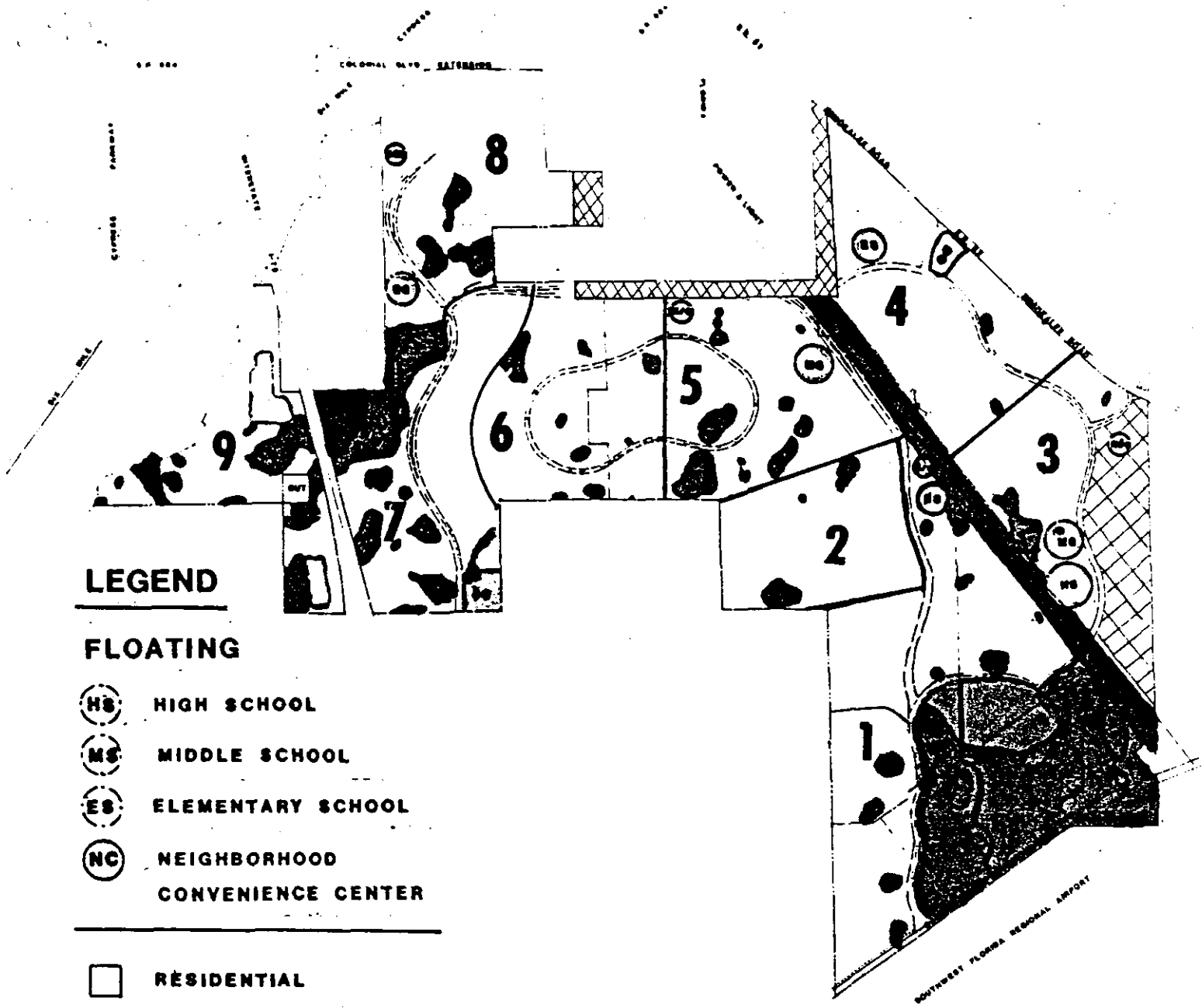
Based upon the foregoing, it is my opinion that Westinghouse Gateway Communities, Inc. does have and hold such ownership, control and authorization over the property as to contribute legal authority to apply for the requested PUD zoning.

If you have any questions, please feel free to call me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ronald C. Dillon".

Ronald C. Dillon
Attorney-At-Law



LEGEND

FLOATING

- (HS) HIGH SCHOOL
- (MS) MIDDLE SCHOOL
- (ES) ELEMENTARY SCHOOL
- (NC) NEIGHBORHOOD
CONVENIENCE CENTER

- RESIDENTIAL
- GENERAL OFFICE
- BUSINESS COMMERCIAL
- TOWN CENTER
- COMMUNITY PARK
- CONSERVATION
- COMMUNITY
CONVENIENCE CENTER
- RESERVE AREA

**COMMUNITY PLAN
EXHIBIT C**

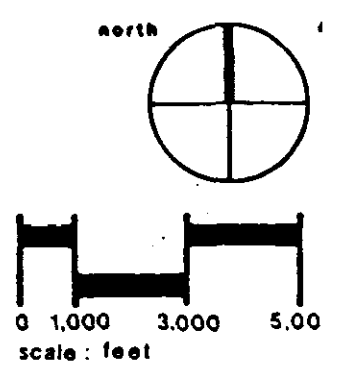


EXHIBIT D
TRAFFIC IMPACT STATEMENT

This Traffic Impact Statement (TIS) is submitted in accordance with Standard III.A.3 of the Lee County Comprehensive Plan. The purpose of the TIS is to determine whether roads and intersections serving the proposed project exceed reasonable and safe levels of service at any time during the construction of, or upon completion of, the project.

Policy IV.A.1 of the Lee County Comprehensive Plan establishes that roads and intersections meet minimum service standards when they operate at level of service "C" or better on an annual average basis and level of service "D" or better during the peak season.

The TIS is the responsibility of the applicant and must be prepared and sealed by a qualified traffic engineer, licensed to practice in the State of Florida. The TIS shall be subject to review of sources, methodology, technical accuracy and findings by the County Engineer or his designee. The TIS must be approved by the County before acceptance. Project approval, or approval with conditions if needed, will be dependent upon the recommendations of the County Engineer or his designee.

The applicant or his traffic consultant is encouraged to discuss the TIS with the County before starting the study. Such discussions could resolve differences concerning data sources, methodology and assumptions before the study is begun, thus saving time and effort during the review process. Specific topics of discussion could include the size of the study area, the location of "critical" intersections, trip generation rates, growth rates, and methods for trip distribution and assignment.

The following methods of evaluation and standards shall be used in preparing the Traffic Impact Statement, unless the applicant can establish that, because of circumstances unique to the proposed development and roadway system servicing the proposed development, other methods or standards provide a more accurate means to evaluate the impacts of the proposed project:

- A. Show on a map the location of the project in relation to nearby arterial and collector streets. Indicate all proposed points of access to the street system.
- B. On the same map, indicate the limits of the study area. Study area boundaries are determined on the basis of the size, type and location of the proposed development. These limits may be based on professional judgment and discussions between the reviewing agency and the applicant, reflecting the anticipated degree of traffic change on the adjacent roadways. The table below provides a conceptual basis for relating degree of change and volume of traffic generated to the area of influence. The study area should include, as a minimum, roads and intersections which abut or provide access to the project from the primary entrance(s) or access point(s). The study area should be extended, if necessary, to include all "critical" intersections. "Critical" intersections refer to those intersections that currently operate or are expected to operate after buildout below level of service "C" on an annual basis or level of service "D" during the peak season and that will be adversely impacted by the project.

Relationship of Traffic Generated by a Project
to Area of Influence of that Project

Anticipated Site Traffic as a Percent of Traffic on Adjacent Roads		Area of Influence*	
Less than 1%		Site Entrance(s)	
1-5 %		Nearest Intersection(s)	
5-10 %		Nearest Arterials	
More than 10%		Nearest Major Arterials	

* The study area should be extended, if necessary, to include all "critical" intersections.

Source: Adapted from "How to Limit Traffic Congestion in Your Community" by Wilbur Smith and Associates, February, 1964.


C. Describe other committed development projects that have been granted a Development Order, have not yet been completed, and have a traffic impact on the study area. Information concerning the traffic impact of these developments should be obtained from the applications for development approval submitted for the projects. The description for each development should include the name, location, size and land uses in the project and the number of external vehicle trips generated by the project during the peak hour.

D. Describe committed highway improvements or new facilities included in the Lee County Transportation Improvement Program, the Lee County Capital Improvement Program or the Florida Department of Transportation Five-Year Construction Program that will have an impact on traffic patterns or the capacity of roadways and intersections in the study area. The description of each improvement should include the location, type, size and extent of the improvement, committed funding, and the anticipated implementation schedule. Also discuss the impact of other highway improvements included in the Lee County Comprehensive Plan (Traffic Circulation Plan) on the study area.

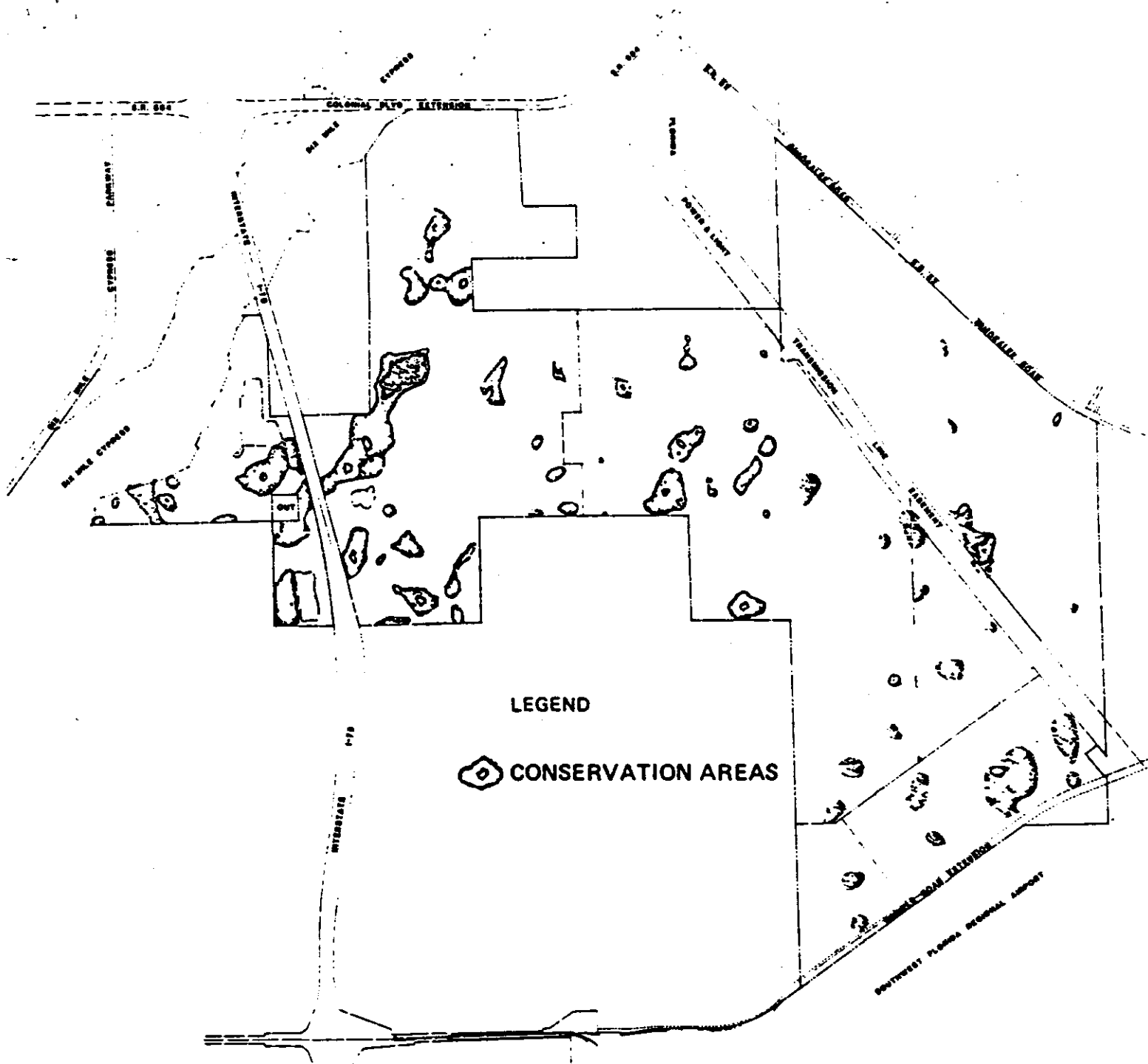
E. Identify high accident locations on roads and intersections in the study area. A signalized intersection is considered a high accident location if there have been six accidents during a twelve-month period excluding rear-end accidents. Unsignalized locations are considered high accident locations if there have been five accidents during a twelve-month period and if the problem is subject to correction by signalization.

F. Determine existing peak-hour volume/capacity ratios and level of service for roads and intersections in the study area. This and subsequent traffic impact analysis should be conducted for both annual average peak-hour traffic and peak-hour traffic during the peak season. Traffic impact analysis must be based on procedures described in the most recent Transportation Research Board Highway Capacity Manual or Transportation Research Board Circular 212. Document this and subsequent traffic analyses

by providing the inputs and forms used for determination of capacity and level of service. Provide recent peak-hour traffic counts, including turning movements for all "critical" intersections in the study area. Show volume/capacity ratios and level of service on a map of the study area.

- G. Determine peak-hour volume/capacity ratios and level of service, both with and without traffic from the proposed development, for roads and intersections in the study area after ~~project~~ buildout. In this case, peak-hour refers to peak-hour traffic on the adjacent highway system once the impact of the proposed development is considered. The analysis should be conducted for both annual average peak-hour traffic and peak-hour traffic during the peak season.
- a. Project peak-hour, directional traffic, excluding traffic from the proposed development, for roads and intersections in the study area after project buildout. Consider the traffic impacts of other developments listed in Item C. Also consider highway improvements listed in Item D that may affect traffic patterns in the study area. Explain the methods used for these traffic projections. If growth rates are used to project background traffic, show how the growth rates were determined. Show the traffic projections on a map of the study area.
 - b. Determine peak-hour volume/capacity ratios and level of service, excluding traffic from the proposed development, for roads, "critical" intersections and high accident locations in the study area after project buildout. Consider the effects of committed highway improvements listed in Item D on the capacity of roads and intersections. Document this analysis by providing the inputs and forms used. Show volume/capacity ratios and level of service on a map of the study area.
 - c. Project both daily and peak-hour traffic generated by this project after buildout. Indicate the trip generation rates used and their source. Whenever possible, Lee County trip generation rates shall be used. Estimate the internal/external split of traffic generated and the directional split of traffic entering and leaving the development during the peak hour. Explain the methods used to estimate the internal/external split of traffic. For non-residential development, estimate the number of truck trips generated by the development and discuss the impact of these trips on peak hour traffic. Discuss the availability of public transportation and its effect on the number of vehicle trips generated by this development.
 - d. Distribute and assign peak-hour traffic entering and leaving the project to the highway network. Combine this traffic with the projected traffic from Item G.a to obtain directional traffic, including traffic from the development, for roads and intersections in the study area after buildout. Explain the methods used for trip distribution and assignment. Show the traffic projections on a map of the study area.
- 

- e. Determine peak hour volume/capacity ratios and level of service, including traffic from the development, for roads, "critical" intersections and high accident locations in the study area after buildout. Document this analysis by providing the inputs and forms used. Show volume/capacity ratios and level of service on a map of the study area.
 - f. Describe improvements to the existing and proposed highway system required by this development to maintain or provide level of service "C" or better on an annual average basis or level of service "D" or better during the peak season.
 - g. Discuss the impact of this development on projected evacuation times along Primary Evacuation Routes for tropical storms or hurricanes. Information concerning Primary Evacuation Routes can be found in the Southwest Florida Regional Hurricane Evacuation Plan, Update 1963.
- H. If the above analysis indicates that roads or intersections will operate below level of service "C" on an annual basis or level of service "D" during the peak season, complete the steps listed in Item G after each intermediate stage of development. As before, consider the traffic impacts of other developments listed in Item C and the effects of highway improvements listed in Item D on traffic patterns and the capacity of roads and intersections. The traffic impact analysis for each stage of development is needed to examine the staging of the development in relation to the staging of road and intersection improvements.



GATEWAY
 WESTINGHOUSE
 GATEWAY COMMUNITIES, INC.

CONSERVATION AREA DISTRICT
EXHIBIT E

