

LEE COUNTY ORDINANCE NO. 98-28

AN ORDINANCE AMENDING THE LEE COUNTY LAND DEVELOPMENT CODE (LDC) TO REPEAL CHAPTER 6, ARTICLE V, RELATING TO HOUSING STANDARDS; AND

AMENDING LDC CHAPTER 10 (DEVELOPMENT STANDARDS) PERTAINING TO DEVELOPMENT ORDER PROCEDURES, APPLICABILITY OF REQUIREMENTS (§ 10-101); DEVIATIONS AND VARIANCES (§ 10-104); AMENDING PLAT PREPARATION AND SUBMISSION (§ 10-212); MONUMENTS (§ 10-216); AMENDING DESIGN STANDARDS AND REQUIREMENTS FOR OPEN SPACE, BUFFERING AND LANDSCAPING BY PROVIDING FOR TITLE AND CITATION (§ 10-411); AMENDING PURPOSE AND INTENT (§10-412); DEFINITIONS (§ 10-413); SUBMITTAL REQUIREMENTS (§ 10-414); OPEN SPACE (§ 10-415); LANDSCAPE STANDARDS (§ 10-416); IRRIGATION DESIGN STANDARDS (§ 10-417); STORMWATER PONDS (§ 10-418); ALTERNATE LANDSCAPE BETTERMENT PLAN (§ 10-419); PLANT MATERIAL STANDARDS (§ 10-420); PLANT INSTALLATION AND MAINTENANCE STANDARDS (§ 10-421); LANDSCAPE CERTIFICATE OF COMPLIANCE (§ 10-422); AND RESTORATION STANDARDS FOR NATIVE VEGETATION REMOVED WITHOUT APPROVAL (§ 10-423); CREATING ARTICLE IV, DESIGN STANDARDS AND GUIDELINES FOR COMMERCIAL BUILDINGS AND DEVELOPMENTS, PROVIDING FOR PURPOSE AND INTENT (§ 10-600); DEFINITIONS (§ 10-601); APPLICABILITY (§ 10-602); ILLUSTRATIONS (§ 10-603); REQUIRED SITE DEVELOPMENT OR IMPROVEMENT PLAN (§ 10-604); SITE DESIGN STANDARDS AND GUIDELINES FOR COMMERCIAL DEVELOPMENTS (§ 10-610); DESIGN STANDARDS AND GUIDELINES FOR COMMERCIAL BUILDINGS (§ 10-620); SIGNS (§ 10-630); OUT PARCELS (§ 10-640); AND EXCEPTIONS AND INTERPRETATIONS (§ 10-650); ARTICLE IV IS RENUMBERED TO ARTICLE V; AND

AMENDING LDC CHAPTER 14 (ENVIRONMENTAL AND NATURAL SCIENCES) EXEMPTION FROM TREE PROTECTION REGULATIONS (§ 14-377); AND

AMENDING LDC CHAPTER 30 (SIGNS) DEFINITIONS AND RULES OF CONSTRUCTION (§ 30-2); PROHIBITED SIGNS (§ 30-5); PERMITTED SIGNS (§ 30-6); AMENDING CONSTRUCTION STANDARDS AND LANDSCAPING STANDARDS (§ 30-94); AND TEMPORARY ON-SITE SIGN REGULATIONS (§ 30-151); AND

AMENDING LDC CHAPTER 34 (ZONING) DEFINITION FOR PORTABLE KIOSK (§ 34-2); AMENDING REGULATIONS PERTAINING TO BUILDING RELOCATION PERMIT (§ 34-209); AMENDING DURATION OF RIGHTS CONFERRED BY ADOPTED MASTER CONCEPT PLAN (§ 34-381); AMENDING ARTICLE VI, DIVISION 11 PERTAINING TO REDEVELOPMENT OVERLAY DISTRICTS TO ESTABLISH GENERAL REQUIREMENTS FOR PURPOSE AND INTENT (§ 34-1080); DEFINITIONS (§ 34-1081); CREATING OVERVIEW OF REDEVELOPMENT OVERLAY DISTRICT REGULATIONS (§ 34-1082); CRITERIA FOR MASTER SITE PLANS (§ 34-1083); CONTENTS OF MASTER SITE PLAN (§ 34-1084); LIMITATION TO NEW LAND DEVELOPMENT REGULATIONS (§ 34-1085); INFRASTRUCTURE (§ 34-1086); MASTER SITE PLAN INITIATION AND ADOPTION (§ 34-1087); AMENDMENT TO ADOPTED REDEVELOPMENT OVERLAY DISTRICT AND MASTER SITE PLAN (§ 34-1088); REVIEW OF DEVELOPMENT REQUESTS (§ 34-1089); PLACEMENT OF BOUNDARIES OF ADOPTED MASTER SITE PLAN AND REDEVELOPMENT OVERLAY DISTRICT FOR COMMUNITY DEVELOPMENT AREAS ON OFFICIAL ZONING MAPS (§ 34-1090); CREATING REGULATIONS FOR THE TICE REDEVELOPMENT OVERLAY DISTRICT, PROVIDING FOR PURPOSE AND INTENT (§ 34-1091); ELEMENTS OF THE REDEVELOPMENT OVERLAY DISTRICT (§ 34-1092); MODIFIED LAND DEVELOPMENT REGULATIONS, MASTER SITE PLAN (§ 34-1093); CREATING REGULATIONS FOR THE FORT MYERS SHORES REDEVELOPMENT OVERLAY DISTRICT, PROVIDING FOR PURPOSE AND INTENT (§ 34-1111); ELEMENTS OF THE REDEVELOPMENT OVERLAY

DISTRICT (§ 34-1112); MODIFIED LAND DEVELOPMENT REGULATIONS, MASTER SITE PLAN (§ 34-1113); CREATING THE NORTH TAMiami TRAIL REDEVELOPMENT OVERLAY DISTRICT, PROVIDING FOR PURPOSE AND INTENT (§ 34-1122); ELEMENTS OF THE REDEVELOPMENT OVERLAY DISTRICT (§ 34-1123); MODIFIED LAND DEVELOPMENT REGULATIONS, MASTER SITE PLAN (§ 34-1124); AMENDING THE REGULATIONS PERTAINING TO THE BONITA SPRINGS REDEVELOPMENT OVERLAY DISTRICT, AMENDING PURPOSE AND INTENT (§ 34-1133); ELEMENTS OF THE REDEVELOPMENT OVERLAY DISTRICT (§ 34-1134); THE MASTER PLAN (§ 34-1135); LIMITATIONS ON APPROVALS (§ 34-1136); MODIFIED LAND DEVELOPMENT REGULATIONS (§ 34-1137); PROCEDURES FOR APPROVAL AND FOR APPEALS OF ADMINISTRATIVE DECISIONS (§ 34-1138); REMOVING (§ 34-1139); CREATING REGULATIONS FOR THE SAN CARLOS ISLAND REDEVELOPMENT OVERLAY DISTRICT, PROVIDING FOR PURPOSE AND INTENT (§ 34-1141); ELEMENTS OF THE REDEVELOPMENT OVERLAY DISTRICT (§ 34-1142); MODIFIED LAND DEVELOPMENT REGULATIONS, THE MASTER PLAN (§ 34-1143); AMENDING SUPPLEMENTARY DISTRICT REGULATIONS PERTAINING TO PURPOSE AND APPLICABILITY OF ARTICLE (§ 34-1169); PURPOSE OF SUPPLEMENTAL REGULATIONS (§ 34-1170); AMENDING REQUIRED SHARING OF COMMUNICATION TOWERS (§ 34-1446); REQUIRED (PARKING) SPACES (§ 34-2020); AMENDING REGULATIONS PERTAINING TO NONCONFORMING BUILDINGS AND STRUCTURES (§ 34-3241); AND

REPEALING AND REPLACING LDC APPENDIX I PERTAINING TO REDEVELOPMENT OVERLAY DISTRICT BOUNDARIES; AND

PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS AND AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Lee County, Florida has adopted a comprehensive Land Development Code; and

WHEREAS, Chapter 34 of the Lee County Land Development Code (LDC) provides for the establishment of redevelopment overlay districts to recognize and provide for the unique requirements of redevelopment that cannot be adequately addressed through existing regulations; and

WHEREAS, the Board of County Commissioners desires to create favorable conditions for the revitalization of certain redevelopment areas by amending LDC Chapter 34 to amend an existing redevelopment overlay district and provide for new redevelopment overlay districts to operate in these community redevelopment areas; and

WHEREAS, the Board of County Commissioners desires to give property owners within community redevelopment areas the option of voluntarily electing to develop consistent with an overlay district and adopted master site plan rather than complying with the development regulations set forth in the Land Development Code; and

WHEREAS, the Board of County Commissioners desires to encourage the use of master site plans within community redevelopment areas in combination with development guidelines to provide an incentive driven alternative to standard zoning and other land development regulations in the form of redevelopment overlay districts; and

WHEREAS, the Bonita Springs (fka Bonita Town Center) Redevelopment Overlay District was approved by the Bonita Springs Local Redevelopment Planning Committee on September 30, 1998; and

WHEREAS, the Fort Myers Shores (fka State Road 80) Redevelopment Overlay District was approved by the State Road 80 Local Redevelopment Planning Committee on September 12, 1998; and

WHEREAS, the North Tamiami Trail (aka North Fort Myers) Redevelopment Overlay District was approved by the North Fort Myers Local Redevelopment Planning Committee on September 10, 1998; and

WHEREAS, the San Carlos Island Redevelopment Overlay District was approved by the San Carlos Island Local Redevelopment Planning Committee on September 17, 1998; and

WHEREAS, the Tice (fka State Road 80) Redevelopment Overlay District was approved by the State Road 80 Local Redevelopment Planning Committee on September 12, 1998; and

WHEREAS, the Bonita Springs, Fort Myers Shores, North Tamiami Trail, San Carlos Island, and Tice Redevelopment Overlay Districts and corresponding Master Site Plans were approved by the Lee County Community Development Advisory Committee on October 1, 1998; and

WHEREAS, Lee County Department of Community Development staff has reviewed amendments to the existing Bonita Springs Redevelopment Overlay District, and the proposed new North Fort Myers, Tice, San Carlos Island, and Fort Myers Shores Redevelopment Overlay Districts and corresponding Master Site Plans; and

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

WHEREAS, Lee Plan Policies 14.5.3, 25.1.9, 52.1.1 and 110.6.2 require county staff and private citizen committees to review existing development regulations to determine whether the regulations can be further finetuned and streamlined in order meet the goals, objectives and policies of the Lee Plan; and

WHEREAS, the Land Development Code Advisory Committee was created by the Board of County Commissioners to explore amendments to the Land Development Code; and

WHEREAS, the Land Development Code Advisory Committee has endorsed amendments to Land Development Code Chapters 6, 10, 30, and 34 to implement Goal 25 of the Lee Plan; and

WHEREAS, the Executive Oversight Regulatory Committee has reviewed and endorsed the proposed amendments to the Code; and

WHEREAS, the Local Planning Agency reviewed the proposed amendments on October 25, 1998 and found them consistent with the Lee Plan.

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

SECTION ONE: AMENDMENT TO LAND DEVELOPMENT CODE CHAPTER 6

Lee County Land Development Code Chapter 6 is amended to repeal Article V, Housing Standards, in its entirety.

SECTION TWO: AMENDMENT TO LAND DEVELOPMENT CODE CHAPTER 10

Lee County Land Development Code Chapter 10, Articles II and III are amended as follows with deleted language identified by strike thru and new language identified by underlining; and Article IV pertaining to Design Standards and Guidelines for Commercial Buildings and Developments is created.

CHAPTER 10

ARTICLE II. ADMINISTRATION

DIVISION 2. DEVELOPMENT ORDERS

Subdivision II. Procedures

Sec. 10-101. Applicability of requirements.

(a) *Development orders.* All developments, as defined in this chapter, including subdivisions, are required to obtain a development order prior to commencing any land development activities or receiving any development permit, including a building permit, with the exception of the following, which are not subject to review pursuant to this chapter except as noted herein:

- (1) Construction of a single ~~family duplex or two-family attached dwelling unit building consisting of one or two dwelling units~~ (and accessory structures as defined in the zoning regulations) on a single buildable lot ~~(or lots in the case of a two-family attached dwelling).~~

Sec. 10-104. Deviation and variances.

(a) *Provisions where deviations are authorized.* The development ~~review services~~ director is hereby authorized to grant deviations from the technical standards in the following sections in this chapter:

- (14) Section 10-~~413(c)~~ 415(b) (indigenous native vegetation) ~~subsection(3).~~
- (16) Section 10-416(c) Landscaping of parking and vehicle use areas
- (17) Section 10-610 Site design standards and guidelines for commercial developments.

DIVISION 5. PLATS

Sec. 10-212. Preparation and submission.

Plats must be prepared in compliance with F.S. ch. 177, and must contain all of the elements specified in ~~F.S. \S 177.091, Ch. 177, Part I and Lee County AC 13-19.~~ Review copies of the plat must be submitted with the application for development order approval. The initial plat submittal must include a boundary survey of the lands to be platted, in accordance with F.S. \S 177.041.

Sec. 10-216. Monuments.

- (c) *Monuments.* Monuments must be installed in accordance with F.S. \S 177.091(9).

ARTICLE III. DESIGN STANDARDS AND REQUIREMENTS

DIVISION 6. OPEN SPACE, BUFFERING AND LANDSCAPING

Sec. 10-411. Title and citation.

This division will be known and cited as the "Lee County Landscape Code."

Sec. 10-4112. Purpose and applicability of division intent.

~~(a) Open space, buffering and landscaping are intended to create breaks in the urban landscape and provide replacements for the natural vegetation removed during development. The preservation and utilization of indigenous native vegetation is strongly encouraged and is required for developments as set forth in section 10-419(c).~~

~~In order to provide administrative flexibility and to better accomplish the purpose of this division, an alternate landscape betterment plan may be approved in accordance with section 10-419.~~

~~(b) All developments initiated after January 28, 1989, must provide open space, landscaping and buffering in compliance with this division. No existing structure or parking area will be required to be altered or moved to meet the provisions of this division.~~

~~(c) Where archaeological sites have been identified on a property proposed for development, the sites must be incorporated into the proposed design as required open space unless express approval for destruction or mitigation has been approved as a condition in a certificate to dig, or granted by the historic preservation board in a certificate of appropriateness, pursuant to chapter 22.~~

The purpose and intent of the landscape code is to:

(a) promote the health, safety, and welfare of residents of Lee County by establishing minimum uniform standards for the installation and maintenance of landscaping;

(b) improve the aesthetic appearance of commercial, industrial, and residential developments through the requirement of minimum open space and landscaping in ways that compliment the natural and built environment;

(c) promote preservation and planting of native plants and native plant communities;

(d) provide benefits to persons through open space and landscaping by reducing noise and glare;

(e) screen and buffer the harsher visual aspects of urban development;

(f) improve environmental quality by reducing and reversing air, noise, heat, and chemical pollution through the preservation of native vegetation, relocation of native trees and installation of landscaping; and

(g) promote water conservation and xeriscape principals by requiring the use of native plants, organic mulch, reduction of turf areas, and appropriate irrigation.

Sec. 10-4123. Definitions.

The following words, terms and phrases, when used in this division, will have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Open space. Open space ~~land~~ means:

(1) Areas of preserved indigenous native vegetation and areas replanted with vegetation after construction, such as natural systems, lawns, landscaped areas and greenways, which comply with the minimum dimensional requirements of section 10-4195(d).

(2) The outdoor recreational facilities as listed in section ~~10-419(e)(2)~~ 10-415(d)(2)d.

(e) If roads, drives, or parking areas are located less than 125 feet from an existing residential subdivision or residential lots, a solid wall or combination berm and solid wall not less than 6 feet in height must be constructed not less than 25 feet from the abutting property and landscaped between the wall and the abutting property with a minimum of 5 trees and 10 shrubs per 100 linear feet. Where residences will be constructed between the road, drive or parking area and the existing residential subdivision or lots, the wall

10-415(d)(2)

(d) Public and quasi-public facilities, including, but not limited to, places of worship, parks, utility facilities, government offices, neighborhood recreational facilities, and private schools must provide the buffer described in subsection (a) above if, in the opinion of the director, the proposed development will have a significantly adverse impact on adjacent existing residential uses. **(Modified and moved to 10-416(d)(4))**

(c) Uses or activities that generate noise, dust, odor, heat, glare or other similar impacts, must provide the buffer described in subsection (a) above if, in the opinion of the director, the proposed development will have a significantly adverse impact on adjacent property. **(Moved to 10-416(d)(6))**

(b) All sewage treatment plants must include a buffer of no less than 50 feet in width along all property lines. The buffer must contain a wall, or berm that is no less than eight feet in height, as measured using subsection (a) above. No less than six trees per 100 linear feet must be planted outside of the visual screen.

(a) Industrial and commercial developments that adjoin existing residential developments must include a buffer of no less than 15 feet in width adjacent to all residential uses and property lines. The buffer must contain a solid wall, or combination berm and solid wall that is no less than eight feet in height, as measured from the average elevation of the street or streets abutting the property as measured along the centerline of the streets, at the points of intersection of the streets with the side lot lines (as extended) and the midpoint of the lot frontage (see section 04-2172). No less than five trees and 10 shrubs per 100 linear feet must be planted in the buffer area on the residential side of the visual screen.

Sec. 10-414. Buffers:

Vehicle use area means all ground level impervious surfaces, including impervious parking areas, that may be used by vehicles for parking, circulation, and similar activities within the development. Street right-of-way, roadway easement, and those areas excluded from the definition of parking area are exempted.

- (3) Areas used for the temporary storage of construction equipment.
- (2) Parking areas serving a single structure of two dwelling units or less; and
- (1) Areas used for parking or vehicle display which that are under or within buildings;

Parking area means all areas, paved or unpaved, designed, used or intended to be used for the parking or display of vehicles, excluding:

- (5) Plazas, atriums, courtyards and other similar public spaces as specified in section 10-413(e)(2); **10-415(d)(2)d.**
- (4) Archaeological sites, including any area that contains evidence of past human activity ranging from large mound and midden complexes to a group of artifacts, the boundary and extent of which is determined by a survey by a professional archaeologist. **10-415(d)(2)c.**
- (3) That portion of bodies of water, existing or proposed, provided that they are within the proposed development area and subject to the restrictions and limitations in section 10-413(e)(2)d.

or wall and berm combination are not required. ~~(Moved to 10-416(d)(5))~~

~~(f) All walls, berms, plants, or other landscape features and buffer plantings must be placed so as to not violate the requirements of section 94-9191 (vehicle visibility) of the land development code. Walls must be constructed to ensure that historic flow patterns are accommodated and all stormwater from the site is directed to on-site detention/retention areas in accordance with the SFWMD requirements. (Modified and moved to section 10-416(d)(7))~~

~~(g) When a fence or wall is proposed, but is not required, the fence or wall must be located so that all required trees and shrubs are planted on the outside of the fence or wall and are visible from the abutting property or street.~~

~~(h) Development abutting natural waterway. Except where a stricter standard applies for the Greater Pine Island Area (defined in chapter 94 of the land development code, there must be a 25-foot wide buffer landward from the mean high water line of all nonseawalled natural waterways. Where a proposed planned development or subdivision is located in the Greater Pine Island Area adjoining abutting state-designated aquatic preserves and associated natural tributaries, the width of the required buffer will be 50 feet. No deviation or variance from these requirements will be permitted except under circumstances in which the requirement would have the effect of prohibiting all reasonable use of the property.~~

~~Existing vegetation within the buffer area must be retained, except for the removal or control of exotic plants. Removal of such plants may not involve the use of heavy mechanical equipment such as bulldozers, draglines, front end loaders, and tractors. Where the use of heavy equipment may disturb native vegetation, the approval of the director must be obtained. (Modified and moved to section 10-416(d)(8))~~

~~(i) Use of buffer areas. Required buffers yards may be used for passive recreation facilities such as pedestrian, bike, or equestrian trails, provided that:~~

~~(1) No required trees or shrubs are eliminated;~~

~~(2) Not more than 20 percent of the width of the buffer is impervious surface;~~

~~(3) The total width of the buffer area is maintained; and~~

~~(4) All other requirements of this chapter are met. (Modified and moved to section 10-416(d)(10))~~

~~(h) Ownership, preservation, and maintenance of buffer areas. Ownership, preservation, and maintenance of required buffer areas must be in accordance with section 10-417.~~

Sec. 10-414. Submittal Requirements.

~~(a) Landscape plan required. Prior to the approval of a development order, an applicant whose development is covered by the requirements of this section must submit a landscape plan. The landscape plan must be prepared by and bear the seal of a landscape architect registered in the State of Florida. The plan must include the narrative and calculations to ensure that the proposed landscaping will be in compliance with requirements of this code. However, small projects may qualify for a hardship waiver if the cost of compliance with the landscape architect requirement is disproportionate to the cost of the entire project. This waiver is subject to the sole discretion of the Director.~~

~~The landscape plan must be drawn at the same scale as the development order plans and include, at a minimum, the following items where applicable:~~

LANDSCAPE PLAN REQUIREMENTS	
Title of Project - including Project Owner's Name	Preserved trees
Preparer's Name	Trees to be relocated
Dimensions and North arrow	Construction vegetation protection barricades
All open space	Permanent vegetation protection techniques
Indigenous open space	Tree and palm staking detail
All landscape areas	Mulch details
Highlight all code required landscaping	Reference chart that includes:
Vehicle use areas – parking, aisles, driveways	Graphic plant symbols
Roadways and access points	Plants botanical and common name
Overhead and underground utilities	Plant quantity, height and spread
All easements	Plant spacing and native status

(b) Irrigation plan required. Prior to the approval of a development order, an applicant whose development is covered by the requirements of this section must submit an irrigation plan. This requirement can be met by the addition of notes or drawings on the landscape plan sheet of the development order. The irrigation plan requirement does not apply to single-family residential lots created by a development order. The conceptual irrigation plan must, at a minimum, indicate:

- (1) The type of automated irrigation system proposed.
- (2) All landscape areas, including parking lot islands, will be adequately sleeve for irrigation. This requirement must be included on the grading/paving plan sheet.
- (3) A moisture (rain) sensor will be included in the irrigation system and located on the site so that it will receive direct rainfall, not impeded by other objects.
- (4) The irrigation system will be designed to eliminate the application of water to impervious areas, including roads, drives and other vehicle use areas.
- (5) The irrigation system will be designed to avoid impacts on existing native vegetation that will be retained on the development site.

Sec. 10-4135. Open space.

(a) Planned development districts. For any development-zoned RPD, MHPD, RVPD, CPD, GFPD, IPD, AOPD or MPD, the open space required must be consistent with the adopted master concept plan for that development and the open space requirements for that zoning district, in addition to the requirements of this division, unless specific deviations from this division have been granted:

(ba) Open space calculations. All development must contain, at a the minimum, the percentage of open space as outlined in the following table below:

Type of Development	Open Space as Percentage of Development Area
Single-family detached or two-family dwelling units erected on individual lots	none
Other residential	95 percent small projects 40 percent large projects

Commercial, public, and quasi-public [see section 10-414(c)]	20 percent small projects 90 percent large projects
Industrial	10 percent small projects 20 percent large projects
Multiple use	Each individual use must comply with requirements in this table

OPEN SPACE REQUIREMENT		
Type of Development	Open Space as % of Development	
	Small Projects	Large Projects
<u>Residential</u> . Type of dwelling units as defined in chapter 34-2 located in conventional zoning districts.		
Single family residence or Mobile Home on a single lot with a minimum lot size of 6,500 sq. ft.	None	None
Duplex on a single lot with a minimum lot size of 7,500 sq. ft.	None	None
Two family attached each on an individual lot with a minimum lot size of 3,750 sq. ft. per unit	None	None
All other residential	35%	40%
<u>Industrial</u>	10%	20%
<u>Other</u> . All other uses including, but not limited to commercial, places of worship, recreational vehicle parks, community facilities, schools (excluding Lee County School District), etc.	20%	30%
Note: multiple use sites with conventional zoning must comply with each corresponding use percentage in this table.		
Planned Development Zoning. Planned developments must provide open space as required in chapter 34 and per the approved master concept plan and resolution. Consistency with the master concept plan is in addition to the requirements of this provision, unless deviations have been granted.		

(cb) *Indigenous native vegetation.*

- (1) For ~~large~~ Large developments, with existing indigenous native vegetation, must provide at least 50 percent of the required their open space area must be designed to preserve the percentage requirement through the onsite preservation of existing indigenous native vegetation. Refer to section 10-701.
- (2) As an incentive to preserve indigenous native upland plant communities in large tracts, a scaled open space credit for single preserve areas will be granted as follows:

INDIGENOUS VEGETATION CREDIT

Credit (percent)	Minimum size (acres)	Minimum width (feet)
110	½	50
125	1	75
150	3	150

INDIGENOUS VEGETATION CREDIT		
Credit provided	Minimum size	Minimum width
110%	½ acre	50 feet
125%	1 acre	75 feet
150%	3 acres	150 feet

An additional, maximum 10 percent credit will be granted if any of the following indigenous vegetation areas are included:

- a. Rare and unique uplands as defined by the Lee Plan.
 - b. Connection to offsite public or private environmental conservation or preserve areas.
 - c. Upland buffers to natural waterbodies.
- (3) Consistent with the provisions of section 10-104, the director may permit administrative deviations to reduce the minimum 50 percent indigenous native vegetation requirement within this subsection to a lower percentage. Existing, approved indigenous preserve areas within Planned Developments are not eligible for administrative deviations. The administrative deviation request must include the unique conditions or circumstances ~~which that~~ make the property unusable and are unreasonably burdensome. The applicant must provide details of other actions that will be taken to offset the ~~loss reduction~~ (mitigation). Mitigation must, at a minimum, meet a one to one (1:1) ratio of ~~loss reduction~~ of indigenous area to mitigated area. Mitigation that will be considered includes, but ~~will is not be~~ limited to:
- a. Onsite ecological creation/restoration, with long-term management.
 - b. Offsite land acquisition with perpetual conservation protection.
 - c. Offsite ecological restoration on public lands or protected private lands.
 - d. Purchase of appropriate credits from a permitted mitigation bank.

(dg) *Minimum dimensions.*

- (1) The minimum average width of open space areas must be ten feet.

- (2) The minimum area of open space must be 180 square feet.
- (3) Indigenous open space areas ~~(see section 10-413(c))~~ must have a minimum average width of 20 feet and minimum area of 400 square feet.

(ed) Use of open space.

- (1) Open space areas must be landscaped in accordance with ~~section 10-416~~ this division.
- (2) The following uses may contribute to the open space requirements provided the minimum dimensions are met:
 - a. ~~Buffers and landscaped areas in off-street parking areas, except for areas reserved for future parking spaces pursuant to section 34-2017(d);~~
 - ~~b. Landscaped areas in off-street parking areas, except for landscaped areas reserved for future parking spaces pursuant to section 34-2017(d);~~
 - ~~cb. Dry detention areas.~~
 - cd. Existing or proposed bodies of water, including stormwater management areas and areas subject to saltwater inundation, which may be used to offset up to a maximum of 25 percent of the required open space area.
 - ed. Active and passive recreation areas such as playgrounds, golf courses, beach frontage, native trails, bikeways, pedestrian ways, ~~tennis courts, swimming pools~~ and other similar open spaces, as long as not more than ~~25~~ 20 percent of the ~~total recreational area credited as~~ open space area consists of impervious surface.
 - fe. Outdoor active and passive public use areas such as plazas, atriums, courtyards and other similar public spaces, which may be used to offset up to a maximum of 20 percent of the required open space.
 - gf. Archaeological sites or zones that are designated as significant historic resources pursuant to chapter 22.

~~(f) Maintenance of provided open space. Invasive exotics must be removed from provided open space areas by using a method approved at the time of the development order. Open space areas must be maintained free from invasive exotics for all developments which received final development order approval after March 5, 1990. For purposes of this subsection, invasive exotics include Melaleuca species (punk tree, cajuput tree, paperbark tree), Casuarina species (Australian pines), Schinus terebinthifolius (Brazilian pepper, Florida holly), Rhodomyrtus tomentosus (downy rosemyrtle) and Acacia auriculiformis (earleaf acacia).~~

- ~~(1) An invasive exotic vegetation removal and maintenance plan must be submitted for development order approval. The applicant must include a tree location graphic or map which identifies invasive exotic plants or invasive exotic plant masses as to the particular species, native plants and plant masses, and a plan to remove invasive exotic vegetation so as to preserve native trees and understory. The plan must also include a commitment to maintain these areas free from invasive exotics in perpetuity.~~
- ~~(2) The letter of substantial compliance must be deemed to be a certification that the invasive exotic vegetation was removed in compliance with the approved exotic vegetation removal plan.~~

- ~~(3) If prior zoning approval includes a condition which would provide for the removal of exotic vegetation through a phasing out, such provision set forth in the zoning resolution will prevail over the provisions of this subsection to the extent that they are inconsistent.~~

Sec. 10-4156. Landscaping Landscape standards.

(a) *Generally.* Landscaping for all new developments, except community and regional parks as defined in the Lee Plan, must include, at a minimum, the following number of trees, in addition to the landscaping required for parking and vehicle use areas and buffers. General tree requirements may be reduced through the utilization of larger trees and as specified in section 10-420(c)(2) or through use of an alternative landscape betterment plan (see section 10-419). Existing waterbodies within the development area will not be included in the calculation for general tree requirements.

- (1) ~~Single-family detached and two-family residential residence developments that are constructed on individual (single) lots.~~ One tree must be provided per 3,000 square feet of development area, which must include a minimum of two trees per single-family lot installed prior to issuance of the certificate of occupancy.

- (2) All other residential developments. All other residential developments must provide one tree per 3,000 square feet of development area.

- (23) Recreational vehicles and mobile homes (RV/MH) developments. One tree must be provided per 3,000 square feet of development area.

- ~~(3) Multiple-family developments. One tree per 3,000 square feet of development area, plus five trees per 100 linear feet for each lot line that abuts existing single-family or two-family residential developments.~~

- (4) *All other developments.* One tree must be provided per each 3,500 square feet of development area. No more than 50 percent of the required trees may be located in the area between the rear lot line and a line created by extending the rear wall of the principal structure (defined as the wall closest to, and running roughly parallel to, the rear lot line) to the side lot lines for lots fronting on a single street. Where lots front on two streets, no more than 50 percent of the required trees may be located in the area between the rear lot line and the line created by extending the rear wall of the principal structure to the side lot line and the street right-of-way line.

~~(b) Landscaping adjoining street:~~

- ~~(1) All industrial and commercial developments and developments described in section 10-414(a) above must include landscaped strips that are no less than ten feet in width adjacent to all street rights-of-way. Where bikeways or pedestrian ways are located in a dedicated easement adjacent to the right-of-way, the planting strip may be reduced by the width of the facility provided there remains a minimum of four feet for the planting strip. No less than 12 shrubs per 100 linear feet may be planted in each landscape strip. The clustering of shrubs is encouraged to improve survivability, ease of maintenance, and the aesthetic effect of the landscaped areas.~~

- ~~(2) All multiple-family residential developments must include landscaped strips that are no less than 15 feet in width adjacent to all street rights-of-way. Where bikeways or pedestrian ways are located in a dedicated easement adjacent to the right-of-way, the planting strip may be reduced by the width of the facility provided there remains a minimum of seven feet for the planting strip. No less than five trees and 10 shrubs per 100 linear feet may be planted in each landscaped strip. If the planting of~~

~~trees, in the opinion of the director, could create a potential conflict with existing overhead power lines, the plantings required by this subsection may be replaced by a vegetative hedge that is no less than three feet in height at the time of planting.~~

~~(9) Landscaped strips adjoining street rights-of-way are not required for single-family development.~~

(b) Building perimeter plantings. All new development in commercial zoning districts and commercial components of planned development districts and DRIs must provide building perimeter plantings equal to 10% of the proposed building gross ground level floor area. These planting areas must be located abutting all sides of the building, not including the loading area. The perimeter planting areas must consist of landscape areas, raised planters or planter boxes that are a minimum of 5 feet wide. These landscape areas must include shrubs and ground cover plants with a minimum of 50 percent coverage of the landscape area at the time of planting. Turfgrass is discouraged and is limited to 10 percent of the landscape area. Water management areas may not be a part of this 5 foot planting area. Pedestrian access ways may cross and loading areas may be placed in the perimeter planting area, but may not to be used to meet minimum planting area or open space requirements.

An enlarged perimeter landscape area is required in the front of shopping centers and freestanding retail uses that constitute a large development. An area that is at least five percent of the size of the vehicular use area(s) must be developed as green space within the front of shopping centers and retail establishments and be an enlargement to the front building perimeter planting area. However, it is not a requirement that this area directly abut the front of the building(s). The enlarged perimeter planting areas must consist of landscape areas, raised planters or planter boxes that are a minimum of 5 feet wide. These enlarged perimeter planting areas must include trees, shrubs and ground cover plants with a minimum of 50 percent coverage of the landscape area at the time of planting. Turfgrass is discouraged and is limited to 10 percent of the landscape area. Water management areas may not be a part of this enlarged planting area.

This five percent green space area may be used to meet open space requirements if they are in compliance with section 10-415(c), but may not be used to reduce the perimeter planting areas on the sides and rear of the building. These areas must be designed for scenic, noncommercial recreation purposes and be pedestrian-friendly and aesthetically appealing. They may include the following: limited turfgrass, mulch, decorative plantings, landscape, walkways within the interior of the green space area not used for shopping, fountains, manmade watercourses (but not water retention areas), park benches, site lighting, sculptures, gazebos, and any other similar items.

(c) Landscaping of parking and vehicle use areas. The provisions of this section apply to all new off-street parking or other vehicular use areas. Existing landscaping that does not comply with the provisions of this code must be brought into conformity, to the maximum extent possible, when: the vehicular use area is altered or expanded except for restriping of lots/drives, the building square footage is changed, or the structure has been vacant for a period of one year or more and a request for an occupational license to resume business is made. Consistent with the provisions of section 10-104, the director may permit administrative deviations where a conflict exists between the application of this division and the requirements for the number of off-street parking spaces or area of off-street loading facilities.

~~(1) Buffers.~~ All freestanding parking areas, whether commercial, public or private, not associated with other development must provide a landscaped area as described in section 10-415(b)(1) along all streets. A buffer as described in section 10-414 is required along all other property boundaries:

(1) Vehicular overhang of landscape areas. The front of a vehicle may overhang any landscaped area a maximum of two feet, provided the landscaped area is protected by motor vehicle wheel stops or curbing. Two feet of such landscaped area or walkway may be part of the required depth of each abutting parking space. Walkways must be designed with a minimum of five feet width that is clear of any vehicle overhang.

(2) *Internal landscaping.* All parking areas must be internally landscaped to provide visual relief and cooling effects and to channelize and define logical areas for pedestrian and vehicular circulation, as follows:

- a. Trees must be planted or retained in landscaped areas in parking areas, including landscaped areas reserved for future parking spaces, to provide for canopy coverage when the trees mature. At least one tree must be planted or retained for every 250 square feet of required internal planting area, and no parking space may be more than 100 feet from a tree planted in a permeable island, peninsula or median of ten-foot minimum width. Canopy requirements must be met with existing indigenous native trees whenever such trees are located within the parking area.
- b. Landscaped areas on the parking area perimeter or internal islands must equal or exceed a minimum of ten percent of the total paved surface area. Landscaped areas reserved for future parking spaces pursuant to section 34-2017(d) may not be included in this calculation.
- c. The minimum average dimension of any required internal landscaped area must be ten feet.
- d. No more than an average of ten parking spaces must occur in an uninterrupted row unless optional divider medians, as specified in subsection (b)(2)f of this section, are used. Where existing trees are retained in a landscape island the amount of parking spaces in that row may be increased to 15.
- e. For large developments only, each row of parking spaces must be terminated by landscaped islands ~~which~~ that measure not less than five feet in width and not less than 18 feet in length. Curbing is strongly encouraged. If terminal islands are used for required canopy trees, they must be a minimum of ten feet in width.
- f. Optional divider medians may be used to meet interior landscape requirements. If divider medians are used, they must form a landscaped strip between abutting rows of parking spaces. The minimum width of a divider median must be ten feet. One tree must be planted for each 40 linear feet of divider or fraction thereof. Trees in a divider median may be planted singly or in clusters. The maximum spacing of trees must be 60 feet.
- g. All interior landscaped areas not dedicated to trees or to preservation of existing vegetation must be landscaped with grass, ground cover, shrubs or other approved landscaping materials, and this must be so noted on the landscape plans. Sand, gravel, rock, shell or pavement ~~is~~ are not appropriate landscape materials.
- ~~h. Optional tree grates may be utilized in parking areas for installation of up to a maximum of 50 percent of the required canopy trees. Tree grates must contain a minimum of 16 square feet of planting area and must provide a minimum of five air vents per grated area. These areas must be designed in such a manner that water will adequately drain and not be injurious to the health of the canopy tree. A cross-section must be included with the landscape plans that demonstrates how the criteria of this subsection will be met. Tree grating areas may not count towards required internal open space.~~

~~(d) *Function.* Landscaping is to mimic the function of natural systems. Refer to section 10-418.~~

(d) *Buffering adjacent property.* Buffering and screening applies to all new development. Existing landscapes that do not comply with the provisions of this section must be brought into conformity to the

maximum extent possible when: the vehicular use area is altered or expanded, except for restriping of lots/drives, the building square footage is increased, or there has been a discontinuance of use for a period of one year or more and a request for an occupational license to resume business is made.

- (1) General. A buffering area is required along the entire perimeter of the proposed development whenever the proposed development abuts a different use. The existing use or, where vacant, the permitted use, of the abutting property will determine the type of buffering area required for the proposed development. Buffer areas may not be located on any portion of an existing or dedicated street right-of-way or roadway easement.
- (2) Use Categories. In interpreting and applying the provisions of this Section, development is classified into the following use categories:

USES	
AG	Agricultural uses
SF-R	Single family, duplex or two family attached situated on individual lots
MF-R	Residential structures containing three or more dwelling units on a single parcel
COM	Commercial uses, places of worship, public facilities, schools (other than Lee County School District) and recreational vehicle parks
WOR	Places of worship (df)
IND	Industrial use
STP	Sewer treatment plant or water treatment plant
ROW	Public street right-of-way or roadway easement.

- (3) Buffer requirements. The following table provides the required buffer type when a proposed use is abutting an existing use or, in the absence of an existing use, the existing zoning.

BUFFER REQUIREMENTS								
Permitted or Existing Uses								
Proposed Uses		AG	SF-R	MF-R	COM	IND	STP	ROW
	AG	---	---	---	---	---	---	---
	SF-R	---	---	---	---	---	---	---
	MF-R	---	B	---	---	---	---	D
	COM	---	C/E	C/E	A	---	---	D
	WOR	---	C/E	C/E	---	---	---	D
	IND	---	E/E	E/E	---	---	---	D
	STP	C/E	E	E	E	C/E	---	C

- (4) Buffer Types. The following table provides six different buffer types. Each type buffer, identified by a letter, provides the minimum number of trees and shrubs per 100 linear foot segment and indicates whether or not a wall or hedge is required.

BUFFER TYPES (per 100 linear feet)						
Buffer types	A	B	C	D	E	F
Minimum width in feet	5	15	15	15	25	30
Minimum # of trees	4	5	5	5 (3)	5	10
Minimum # of shrubs	--	Hedge(2)	18	Hedge (2)	30	Hedge(2)
Wall required (1)	No	No	Yes	No	Yes	No

Notes for Buffer Types Table:

1. A solid wall, berm or wall and berm combination, not less than eight (8) feet in height. All trees and shrubs required in the buffer must be placed on the residential side of the wall. The height of the wall must be measured from the average elevation of the street or streets abutting the property as measured along the centerline of the streets, at the points of intersection of the streets with the side lot lines (as extended) and the midpoint of the lot frontage (see section 34-2172). Walls must be constructed to ensure that historic flow patterns are accommodated and all stormwater from the site is directed to on-site detention/retention areas in accordance with the SFWMD requirements.
2. Hedges must be planted in double staggered rows and be maintained so as to form a 36" high (F type buffers must be 48" at installation and be maintained at 60" high) continuous visual screen within one year after time of planting.
3. Trees within the ROW buffer must be appropriately sized in mature form so that conflicts with overhead utilities, lighting and signs are avoided. The clustering of trees and use of palms within the ROW buffer will add design flexibility and reduce conflicts.

(5) Public and quasi-public facilities, including, but not limited to, places of worship, parks, utility facilities, government offices, neighborhood recreational facilities and private schools must provide ~~the buffer described in subsection a above a type C buffer~~ if, in the opinion of the director, the proposed development will have a significantly adverse impact on adjacent existing residential uses. ~~(Moved and modified from 10-414(d).)~~

(6) If roads, drives, or parking areas are located less than 125 feet from an existing residential subdivision or residential lots, a solid wall or combination berm and solid wall not less than 8 feet in height must be constructed not less than 25 feet from the abutting property and landscaped (between the wall and the abutting property) with a minimum of 5 trees and 18 shrubs per 100 lineal feet. Where residences will be constructed between the road, drive or parking area and the existing residential subdivision or lots, the wall or wall and berm combination are not required. ~~(Moved from 10-414(e) without modification.)~~

(7) Uses or activities that generate noise, dust, odor, heat, glare or other similar impacts, must provide ~~the a type C or E buffer described in subsection (a) above~~ if, in the opinion of the director, the proposed development will have a significantly adverse impact on adjacent property. ~~(Moved from 10-414(c) and modified.)~~

(8) ~~All W~~ walls, berms, plants, or other landscape features and buffer plantings must ~~not~~ be placed so as to ~~not~~ they violate the requirements of ~~section 34-3131 (vehicle visibility; requirements of section 34-3131, of the land development code. Walls must be constructed to ensure that historic flow patterns are accommodated and all stormwater from the site is directed to on-site detention/retention areas in accordance with the SFWMD requirements. (Moved from 10-414(f) and modified.)~~

(9) *Development abutting natural waterway.* Except where a stricter standard applies for the Greater Pine Island Area (as defined in ~~chapter 34 of the land development code~~ Goal 14 of the Lee Plan), there must be a 25-foot wide vegetative buffer landward from the mean high water line of all nonseawalled natural waterways. Where a proposed planned development or subdivision is located in the Greater Pine Island Area adjoining ~~abutting~~ state-designated aquatic preserves and associated natural tributaries, the width of the required buffer will be 50 feet. ~~No deviation or variance from these requirements will be permitted except under circumstances in which the requirement would have the effect of prohibiting all reasonable use of the property.~~

Existing vegetation within the buffer area must be retained, ~~except for the~~ The removal or control of exotic pest plants: ~~must not~~ Removal of such plants may not involve the use of heavy mechanical equipment such as bulldozers, ~~draglines; front end loaders, and tractors or hydraulic excavators, unless approved at the time of development order. Where the use of heavy equipment may disturb~~

~~native vegetation, the approval of the director must be obtained. (Moved from 10-416(i) and modified.)~~

- (10) All freestanding parking areas, whether commercial, public or private, not associated with other development must provide a D type buffer for the right-of-way and C type buffer if they abut single family residential or multiple family residential uses or zoning.
- (11) Use of buffer areas. Required buffers ~~yards~~ may be used for passive recreation facilities such as pedestrian, bike, or equestrian trails, provided that:
- No required trees or shrubs are eliminated;
 - Not more than 20 percent of the width of the buffer is impervious surface;
 - The total width of the buffer area is maintained; and
 - All other requirements of this chapter are met. ~~(Moved from 10-414(i) and modified.)~~

Sec. 10-417. Irrigation design standards.

To improve the survivability of required landscaping, cultivated landscape areas must be provided with an automatic irrigation system. All required irrigation systems must be designed to eliminate the application of water to impervious areas, including roads, drives and other vehicle areas. Required irrigation must also be designed to avoid impacts on existing native vegetation.

All new developments that have required landscaping must be irrigated by the use of an automatic irrigation system with controller set to conserve water. Moisture detection devices must be installed in all automatic sprinkler systems to override the sprinkler activation mechanism during periods of increased rainfall. Where existing irrigation systems are modified requiring the acquisition of a permit, automatic activation systems and overriding moisture detection devices must be installed.

Sec. 10-418. Stormwater ponds.

(a) *Design standards.* Techniques to mimic the function of natural systems in stormwater management ponds are as follows:

- (1) *Shoreline configuration.* Shorelines ~~shall~~ **must** be sinuous in configuration to provide increased length and diversity of the littoral zone. Sinuous is defined as serpentine, bending in and out, wavy or winding.
- (2) *Plant materials.* The following ~~shall be~~ **are** considered sufficient to mimic the function of natural systems in ponds with slopes ~~steeper than from~~ 6 to 1 ~~but to~~ not more than 4 to 1:
 - a. Shorelines ~~shall~~ **must** be sloped or bermed to direct stormwater through pretreatment systems or swales prior to discharge into the pond.
 - b. The minimum required number of native wetland herbaceous plants ~~shall be~~ **is** one plant per linear foot of lake shoreline as measured at the control elevation water level. Native wetland trees or shrubs may be substituted for up to 25 percent of the total number of herbaceous plants required. One tree or two shrubs may be substituted for ten herbaceous plants.

Sec. 10-416 420. Size and type of vegetation; credits Plant material standards.

(ba) *Quality of plant materials.* Plant materials used in conformance with the provisions to meet the requirements of this division must conform to meet the standards for Florida No. 1 or better, as given set out in Grades and Standards for Nursery Plants, 1979, and Grades and Standards for Nursery Plants, Parts I and II, Florida Department of Agriculture and Consumer Services, Tallahassee Agricultural State of Florida (as amended). Root ball sizes on all transplanted plant materials must also meet state standards.

(bb) *Size of plant materials; use of native varieties.* Planting schedules for projects receiving a final development order on or after November 17, 1986, must specify that At least 75 percent of the total number of required trees used in buffers and landscaping must be indigenous native varieties, and 50 percent of the total number of required shrubs used in buffers and landscaping must be indigenous native varieties. All trees and shrubs provided in accordance with any requirement of this division must comply with the following standards: to fulfill these requirements must be native Florida species.

(1c) *Trees and palms.* Trees planted in compliance with this division must be a minimum of six feet in height at planting with a minimum trunk diameter of one inch measured at three feet above the ground and a minimum canopy diameter of two feet upon installation. In the case of palms, except dwarf species, the required measurement must be six feet from ground level to the base of palm fronds. Trees must be of species having an average mature spread of crown greater than 15 feet, having a normal mature height greater than 25 feet, and having a trunk which can be maintained in a clean condition for seven feet measured from the ground. Trees having an average mature spread of crown less than 15 feet may be substituted by grouping the trees so as to create the equivalent of 15 feet of crown spread. Trees must be planted in a planting area having a minimum of 2 1/2 feet measured from the center of the tree trunk to the near edge of the landscaped area. A maximum of 25 percent palm varieties (75 percent if only native palms are used) will be allowed for buffer and general tree requirements. Palm trees may not be used as parking canopy trees. Larger trees may be substituted and the required number of general trees reduced through utilization of an alternative landscape betterment plan (see section 10-419).

(1) For code-required trees, at least 50 percent of the trees at the time of installation must be a minimum of 10 feet in height, have a 2-inch caliper (at 12 inches above the ground) and a four-foot spread. The remaining code-required trees, at the time of installation, must be a minimum 6 feet in height, have a 1-inch caliper (at 12 inches above the ground) and a three-foot spread. Palms must have a minimum of ten (10) feet of clear trunk at planting. Trees having an average mature spread or crown less than 20 feet may be substituted by grouping the same so as to create the equivalent of 20-foot crown spread. Trees adjacent to walkways, bike paths and right-of-ways must be maintained with eight feet (8') of clear trunk. All applications received after January 1, 2000 must meet the larger size tree requirement specified above.

(2) Larger trees substituted to reduce the minimum number of general trees, without the use of an alternative landscape betterment plan, must be no less than four inches in diameter at 12 inches above the ground and no less than 16 feet in height at the time of planting. The general tree requirement cannot be reduced in number by more than 50 percent.

(2d) *Shrubs and hedges.* Shrubs required under section 10-415(b)(1) must be a minimum of 36 24 inches (48 inches for type F buffers) in height above the on-site adjacent pavement surface required to be buffered and/or screened when measured at time of planting. Unless a vegetative hedge is installed, shrubs required under section 10-415(b)(2) must be a minimum of 18 inches in height at the time of planting. In areas where vehicular sight distance is required, shrubs within the line of sight may not restrict vision. They must be a minimum three-gallon container size, and be spaced 18 to 36 inches on center. They must be at least 36 inches (60 inches for type F buffers) in height within 12 months of time of planting and be maintained at a height of no less than 36 inches (60 inches for type F buffers) above the adjacent pavement required to be buffered and/or screened in perpetuity, except for visibility at intersections and where pedestrian access is

- c. Plants ~~shall~~ must be installed in clusters around the lake perimeter. Placement of clusters at the inlet and outfall areas is strongly encouraged. Clusters ~~shall be~~ must contain a minimum of 25 plants within a 50-square-foot area.
 - d. At least four species ~~shall~~ must be planted. Minimum required herbaceous plant size ~~shall be is~~ a two-inch container, referred to as a liner. Trees and shrubs ~~shall~~ must meet the minimum standards in section 10-416g.
 - e. Sodding or mulching of native wetland plant materials is allowed to establish plantings at the minimum required density in lieu of liners.
- (b) *Survival of plant materials.* A minimum of 80 percent survivability of plantings at one year is required for herbaceous wetland plants. Wetland trees and shrubs must be maintained per section 10-417(c).

Sec. 10-419. Alternate landscape betterment plan.

Applications pursuant to this division ~~will be~~ are entitled to demonstrate that the intent of this division can be more effectively accomplished through an alternate landscape betterment plan. The following conditions must be met:

- (1) The plan may not deviate from the minimum open space requirements of ~~this~~ section 10-415.
- (2) The plan must be labeled as an alternate landscape betterment plan, and delineate, identify and locate all changes to the requirements of this division.
- (3) No less than 75 percent of the trees installed must be native species.
- (4) If larger trees are substituted to reduce the minimum number of general trees required, ~~no all~~ substituted tree will must be ~~no~~ less than three inches in diameter at three feet 12 inches above the ground or less than ~~ten~~ 12 feet in height at the time of planting. In no case may general trees be reduced in number by more than 50 percent of the requirement. The actual ratio of the number of general trees reduced from the requirement will be dependent on:
 - a. the proposed size and number of substituted trees;
 - b. similarity to native vegetation on site or in the immediate vicinity;
 - c. appropriate plant grouping for water needs; and
 - d. the amount of immediate increase in site canopy.
- ~~(4) The plan must demonstrate water conservation through implementation of a comprehensive xeriscape planting and irrigation plan.~~
- (5) The plan must designate the botanical name (genus and species) and location of all plant material to be installed.
- (6) The proposed alternate landscape betterment plan may ~~not be denied~~ approved if staff determines that the intent of the minimum requirements of ~~this division is~~ these provisions not being exceeded.

provided. Required hedges must be planted in double staggered rows and maintained so as to form a continuous, unbroken, solid visual screen within a minimum of one year after time of planting.

(e) *Mulch requirements.* A two-inch minimum layer, after watering-in, of mulch or other recycled materials must be placed and maintained around all newly installed trees, shrubs, and ground cover plantings. Each tree must have a ring of mulch no less than 24 inches beyond its trunk in all directions. The use of cypress mulch is strongly discouraged.

(f) The following highly invasive exotic plants must be removed from the development area. Methods to remove and control invasive exotic plants must be included on the development order plans. A statement must also be included on the development order that the development area will be maintained free from invasive exotic plants in perpetuity. For purposes of this subsection, invasive exotic plants include:

Species To Be Removed	
Common name	Scientific name
Melaleuca, paper tree	<i>Melaleuca quinquenervia</i>
Brazilian pepper, Florida holly	<i>Schinus terebinthifolius</i>
Australian pines	<i>All Casuarina species</i>
earleaf acacia	<i>Acacia auriculiformis</i>
downy rosemyrtle	<i>Rhodomyrtus tomentosus</i>
tropical soda apple	<i>Solanum viarum</i>

(cg) *Prohibited species.* The following species of invasive exotic plants are considered invasive and may not be used to fulfill any requirements of this division:

Scientific Name	Common Name	Family Name
Casuarina spp.	Australian pine	Casuarinaceae
Melaleuca quinquenervia	Gajeput	Myrtaceae
Schinus terebinthifolius	Brazilian pepper	Anacardiaceae
Rhodomyrtus tomentosus	Downy rose myrtle	Myrtaceae
Acacia auriculiformis	Earleaf acacia	Fabaceae
Albizia lebbek	Woman's tongue	Fabaceae
Bischofia javanica	Bishop wood	Euphorbiaceae
Dalbergia sissoo	Rosewood	Fabaceae

<i>Eucalyptus camaldulensis</i>	Murray red gum	Myrtaceae
<i>Ficus retusa</i>	Cuban laurel	Moraceae
<i>Syzygium cumini</i>	Java plum	Myrtaceae
<i>Syzygium jambos</i>	Rose apple	Myrtaceae
<i>Thespesia populnea</i>	Gork tree	Malvaceae
<i>Ficus benjamina</i>	Benjamin fig	Moraceae
<i>Cupianopsis anacardioides</i>	Carrotwood	Sapindaceae
<i>Sapium sebiferum</i>	Chinese tallow	Euphorbiaceae

PROHIBITED SPECIES LIST			
Common name	Scientific name	Common name	Scientific name
woman's tongue	<i>Albizia lebeck</i>	Cuban laurel	<i>Ficus retusa</i>
bishopwood	<i>Bischofia javanica</i>	Chinese tallow	<i>Sapium sebiferum</i>
carrotwood	<i>Cupianopsis anacardioides</i>	Java plum	<i>Syzygium cumini</i>
rosewood	<i>Dalbergia sissoo</i>	rose apple	<i>Syzygium jambos</i>
murray red gum	<i>Eucalyptus camaldulensis</i>	cork tree	<i>Thespesia populnea</i>
benjamin fig	<i>Ficus benjamina</i>	Wedelia	<i>Wedelia trilobata</i>

(dh) Credits.

- (1) Except for prohibited species as listed in subsection (d) of this section above, every consideration must be given to retaining as much of the existing plant material as possible.
- (2) Each existing indigenous native tree preserved in place, which has a trunk diameter of four inches or greater measured at 4 ½ feet above the ground (dbh) will receive a credit of five trees against the general landscape requirements. Native Palms preserved in place which that are six eight feet or greater from ground level to base of fronds, will receive a credit of three trees. Existing sabal palms, identified on the development order plans that are relocated onsite will be given a two tree credit. Credits for existing trees may not be used to reduce the required parking canopy trees count internally in parking areas or buffer yards unless such trees remain in those in parking or vehicle use areas. Existing native trees in buffers may be used for credit provided they occur within the required 100 foot buffer segment. Refer to section 10-414(c). These

Credits will apply only when the trees are labeled as protected-credit trees. If the protected-credit trees die within three years from G.C. the development order certificate of compliance, they must be replaced by the number of credit trees taken.

- (3) ~~These credits will apply where the preserved tree is in an undisturbed~~ a barricaded area at least two-thirds the radius of the crown spread of the tree measured from the trunk center. In no case may this area radius be less than 2 ½ feet. For indigenous native pine trees, the ~~undisturbed barricaded~~ area may be no less than the full crown spread of the tree, unless other measures such as tie-walls or special slope treatment are constructed for additional protection. Prior to the land clearing stage of development, the owner, developer or agent must erect protective barriers ~~which as a that are at~~ minimum ~~are~~ made of one-inch by one-inch lumber or approved alternative barricading material. ~~In the case of individual trees, barricades must be erected no closer than the dripline of the trees, except where construction limits have been approved to a closer distance.~~ For all other protected vegetation, i.e., native, indigenous open space areas, including shrubs and ground cover, barricades must be erected around the perimeter of the vegetation. The owner, developer or agent may not cause or permit the movement of equipment or the storage of equipment, material, debris or fill to be placed within the required protective barrier. The protected trees ~~and associated understory plant communities~~ must remain alive and healthy at the end of the construction in order for this credit to apply.

Sec. 10-417 ~~421~~. Preservation of street trees; Plant installation of plant materials; and maintenance standards, of landscaping and open space.

~~(a) Preservation of street trees:~~ Street right-of-way trees with a trunk diameter of greater than 24 inches measured at 4 ½ feet above the ground (dbh) must be preserved whenever possible, and the street must be designed to protect and encourage healthy growth.

~~(ba) Installation of plant materials; protection from encroachment.~~ Plant materials must be installed in soil conditions that are conducive to the proper growth of the plant material. Limerock located within planting areas must be removed and replaced with native or growing quality soil before planting.

A plant's growth habit must be considered in advance of conflicts that might be created (e.g. views, signage, overhead power lines, lighting, circulation). Trees may not be placed where they interfere with site drainage, subsurface utilities, or overhead utility lines, or where they will require frequent pruning in order to avoid interference with overhead power lines.

~~(1) All landscape materials must be installed in a recognized horticultural correct manner. At a minimum, the following installation requirements must be met:~~

~~(2) The exact placement of required plants and structures will be the decision of each developer, except that the following requirements must be satisfied:~~

~~a. Clustering of shrubs is encouraged to maximize their chances of survival and visual effect.~~

~~b. All buffer areas and landscaped strips must be mulched, seeded, sodded, or planted with ground cover unless vegetative cover is already established.~~

~~(1) All landscape areas must be mulched unless vegetative cover is already established.~~

~~c.(2) Trees and shrubs used in buffers or required landscaped strips adjoining streets must be planted in minimum width planting strip areas area equal to one-half the required width of the buffer or landscaped strip. However, in no case may the planting area be less than 5 feet in width.~~

~~d.(3) All landscaped areas must be provided protection from encroachment by any type of parked or moving vehicle, boat, mobile home, travel trailer or heavy construction equipment.~~

- e.(4) All required plants used in buffers and landscaping must be installed using xeriscape principles. Xeriscape principles include water conservation through drought-tolerant landscaping, the use of appropriate plant material, mulching, and the reduction of turf areas. If irrigation systems are used, they must be designed to operate only when needed, and only in those areas which require irrigation.
- f.(5) Utility, power, or drainage easements may overlap required landscaped strips or buffers; however, no required trees or shrubs may be located in any utility, power, or street easement or right-of-way. To avoid conflicts with overhead utility lines, only small trees, less than 20 feet in height at maturity, must be used directly adjacent to an overhead line.
- (6) Safe sight distance triangles at intersections and vehicle connections. Where an access way intersects a right-of-way or when a property abuts the intersection of two or more rights-of-way, a minimum safe sight distance triangular area must be established. Within this area, vegetation must be planted and maintained in a way that provides unobstructed visibility at a level between 30 inches and eight feet above the crown of the adjacent roadway. Landscaping must be located in accordance with the roadside recovery area provisions of the State of Florida Department of Transportation's Manual of Uniform Minimum Standards for Design, Construction, and Maintenance of Streets and Highways (FDOT Green Book) where appropriate.
- (c) Maintenance of landscaping. The property owner is responsible for maintaining the maintenance of all landscaped areas required by this division in a healthy, and vigorous condition at all times. Trees required by this division may not be trimmed or pruned in such a way so as to alter or limit their normal mature height or crown spread. If planted or preserved landscape materials should die, they must be replaced within 60 days. Tree and palm staking must be removed within 12 months after installation. All landscapes must be kept free of refuse, debris, disease, pests, and weeds. Ongoing maintenance to prohibit the establishment of prohibited invasive exotic species is required.
- (c) Pruning. Vegetation required by this code may only be pruned to promote healthy, uniform, natural growth of the vegetation (except where necessary to promote health, safety, and welfare) and be in accordance with "Pruning Standards (Revised 1988)" of the National Arborist Association. Trees must not be severely pruned to permanently maintain growth at a reduced height or spread. Pruning must not interfere with the design intent of the original installation. Severely pruned trees must be replaced by the property owner. A plant's growth habit must be considered in advance of conflicts which might arise (i.e., views, signage, overhead power lines, lighting, circulation, sidewalks, buildings, and similar conflicts).
- (d) Ownership, preservation and maintenance of open space and buffers:
- (1) Buffer areas. Buffer areas may remain in the ownership of the original developer (and assigns) of a land use, or they may be subjected to deed restrictions and subsequently be freely conveyed, or they may be transferred to any consenting grantee, such as adjoining landowners, a park or forest preserve district, the county, or an open space or conservation group, provided that any such conveyance adequately guarantees the protection and maintenance of the buffer yards for the purposes of this division. Except for buffer areas so conveyed, the maintenance of the areas will be the responsibility of the owner.
- (2) Other open space. With the exception of lawns owned solely by a lot owner, all other open space area must be preserved or maintained so that its use and enjoyment as open space will not be diminished or destroyed. To this end, all open space area be commonly owned and maintained by the owners of the development as provided by covenants which run with the land. These covenants must be in recordable form and must include the following:

~~a. A covenant specifying the manner and method by which the open space will be preserved and maintained, which may include a maintenance assessment or a homeowners' association; and~~

~~b. A covenant that open space area may not be developed except for open space purposes.~~

~~All site plans and plats must designate all open area under common ownership. For platted subdivisions, dedication of and restrictions for commonly owned open space must be stated on the plat.~~

Sec. 10-422. Landscape certificate of compliance.

~~The landscape architect must inspect and certify that all open space area, landscaping and the irrigation system are in substantial compliance with the landscape and irrigation plans approved as part of the development order. An "as built" landscape plan highlighting any changes to the approved plans must be included with the certification. Any changes to an "alternative landscape betterment plan" must be approved by minor change to the development order. The general certificate of compliance procedure outlined in section 10-183 is applicable.~~

Sec. 10-4283. Restoration standards for native vegetation removed without approval.

A restoration plan based on the minimum standards set out in this ~~section~~ division will be required if indigenous native vegetation has been removed without permit or approval. Restoration plantings for vegetation other than trees must be nursery grown, containerized, and planted at no less than three feet on center. The number of replacement plantings will be computed by the square footage of the area destroyed. All other restoration criteria as set forth in chapter 14, article V, pertaining to tree protection, will also apply. Restoration plantings for indigenous native trees must be in compliance with the standards set forth in chapter 14, article V.

Secs. 10-424-10-440. Reserved.

ARTICLE IV

**DESIGN STANDARDS AND GUIDELINES
FOR COMMERCIAL BUILDINGS AND DEVELOPMENTS**

Sec. 10-600. Purpose and intent.

~~The purpose of these standards and guidelines is to supplement existing development criteria with specific criteria that apply to the design of commercial buildings and developments. Commercial development depends on high visibility from public streets. In turn, their design of building(s) and site determines much of the image and attractiveness of the streetscapes and character of a community. Massive and/or generic developments that do not contribute to, or integrate with, the community in a positive manner can be detrimental to a community's image, and sense of place. The goal is to create and maintain a positive ambiance and strong community image and identity by providing for architectural and site design treatments that will enhance the visual appearance of commercial development in Lee County, while still providing for design flexibility. These standards are intended to enhance the quality of life in Lee County.~~

Sec. 10-601. Definitions.

The following words, terms or phrases, when used in this article only, will have the following meanings ascribed to them:

Arcade means a roof, similar to an overhang or canopy but where the outer edge is supported by a line of pillars or columns.

Awning means a cover of lightweight material such as canvas, plastic, or aluminum, extending over a single doorway or window, providing protection from the elements.

Canopy, attached means a permanent structural cover affixed to and extending from the wall of a building, protecting a doorway or walkway from the elements.

Canopy, detached means a freestanding structure which covers a walkway or service area.

Facade means the exterior faces of a building.

Facade, primary means any facade of a building facing an abutting street. On a corner lot, each wall facing an abutting street is considered a primary facade. If a building is angled to an abutting street, both walls roughly facing the street are primary facades.

Overhang means the structural projection of an upper story or roof beyond the story immediately below.

Parapet means the part of an exterior wall that extends above the roof.

Portico means an architectural entry feature structurally supported by columns or arches and protecting a doorway or walkway from the elements.

Shopping Center means a multiple-occupancy building or complex wherein the predominant tenants are retail businesses and offices.

Wall, front means the wall closest to, and running roughly parallel to, the front lot line. On a corner lot, there are two front walls.

Sec. 10-602. Applicability and effective date.

(a) Applicability and effective date. Provisions of this article are applicable to all new developments and for renovations and redevelopments (as provided below) in all commercial zoning districts as well as in commercial components of Planned Development districts and DRIs. However, places of worship (dw) are specifically excluded. All sufficient development order application submittals filed on or after April 1, 1999 and building permits issued pursuant to such development orders, must comply with this article. All building permits issued pursuant to a development order that was submitted and issued after April 1, 1999 must comply with this article. Development order applications filed before April 1, 1999 may comply with this article. However, all building permit applications filed on or after January 1, 2000, including those submitted pursuant to a development order application filed prior to April 1, 1999, must comply with the provisions of this article.

The provisions of this article (Chapter 10, Article IV) will sunset on January 1, 2002, unless the Board of County Commissioners takes action to extend the applicability of these provisions.

(b) Renovations and redevelopment. In the case of additions or renovations to, or redevelopment of, an existing building, where the cumulative increase in total floor building area exceeds 50 percent of the square footage of the existing building being enlarged or renovated, the provisions of this article will apply. In approved CRA overlay district areas and where there are inherent problems retrofitting existing buildings, the Director may waive some or all requirements if other equivalent enhancements are provided.

(c) Discontinuance:

- (1) Where the use of a structure or building is discontinued or abandoned for one year (except when government action impedes access to the land), the provisions of this article will apply. In approved CRA overlay district areas and where there are inherent problems retrofitting existing buildings, the director may waive some or all of the requirements if equivalent enhancements are provided.
- (2) The intent of the owner, lessee or other user is not relevant in determining whether the use has been discontinued or abandoned.

Sec. 10-603. Illustrations.

Illustrations provided portray a specific provision or provisions set forth herein. Variations from these illustrations which nonetheless adhere to the provisions of this article, are encouraged.

Sec. 10-604. Required site development or improvement plan.

Compliance with the standards set forth in this article must be demonstrated on the drawings or site development plan to be submitted when applying for a Development Order (or Building permit application, if a development order is not applicable). At the discretion of the Development Services Director a development order can be issued with the condition that the standards will be reviewed and approved prior to submitting a building permit application. This will not prevent simultaneous applications for a development order and a building permit on the same parcel.

Sec. 10-610. Site Design standards and guidelines for commercial developments.

Purpose and intent. The purpose and intent of these provisions is to supplement and enhance existing regulations and to encourage the design of developments which will provide safe, convenient, and efficient access for vehicles while also providing safe, convenient, and efficient passage for pedestrians from the public right-of-way to the commercial building or development, and between buildings within the commercial development. It is further the purpose and intent of these provisions to require parking, lighting, and lighting fixtures to be designed, installed, and maintained in a consistent and coordinated manner for the entire site (including their out parcels) and integrated and designed so as to enhance the visual appearance and impact on the community. The development services director is hereby authorized to grant deviations from the technical standards in this sub-section, subject to the criteria set forth in section 10-104.

(a) Parking angle. Parking must be developed throughout the site utilizing the same degree of angle. The mixture of one-way and two-way parking aisles, or different degrees of angled parking within any parking area is prohibited except:

- (1) A single bay of parking provided along the perimeter of the site may vary in design in order to maximize the number of spaces provided on-site.

- (2) Parking design may vary between individual parking areas provided that the parking areas are physically separated from one another by buildings or a continuous landscape buffer a minimum of five feet in width. The director may approve a minimum number of vehicle access points to pass through the landscaped buffer. (See Illustrations 1 and 2 below.)

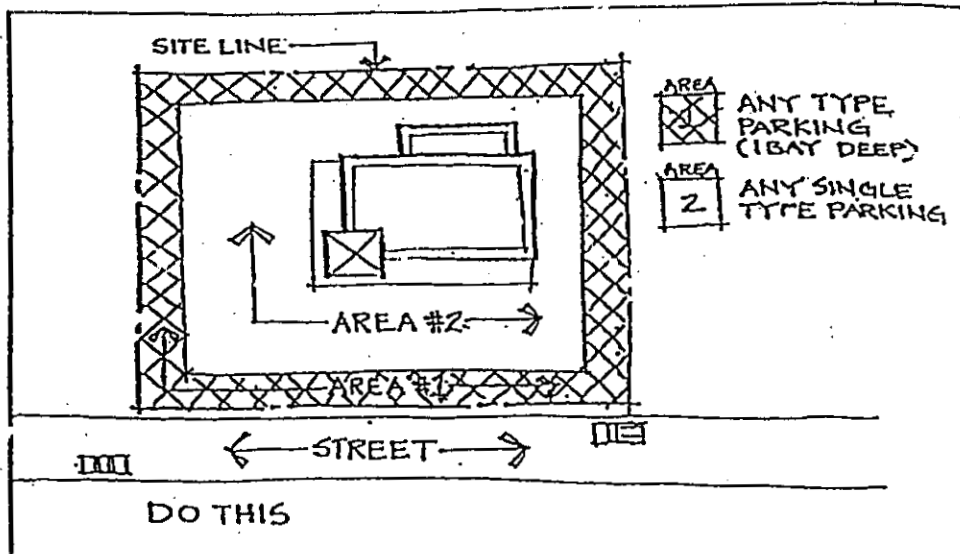


ILLUSTRATION #1

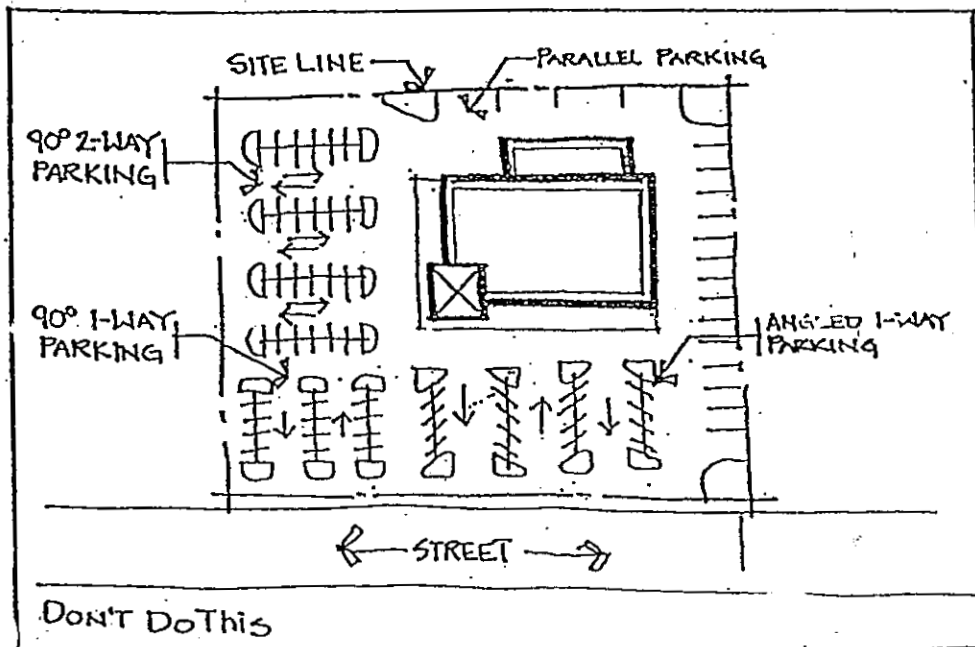


ILLUSTRATION #2

(b) Lighting standards.

- (1) Shielding. Lighting must be designed so as to prevent direct glare, light spillage or hazardous interference with automotive and pedestrian traffic on abutting streets and all abutting properties.

- (2) Fixture height. Lighting fixtures may not exceed a maximum of 30 feet in height within the parking lot and a maximum of 15 feet in height within non-vehicular pedestrian areas. (See Illustration 3 below.)

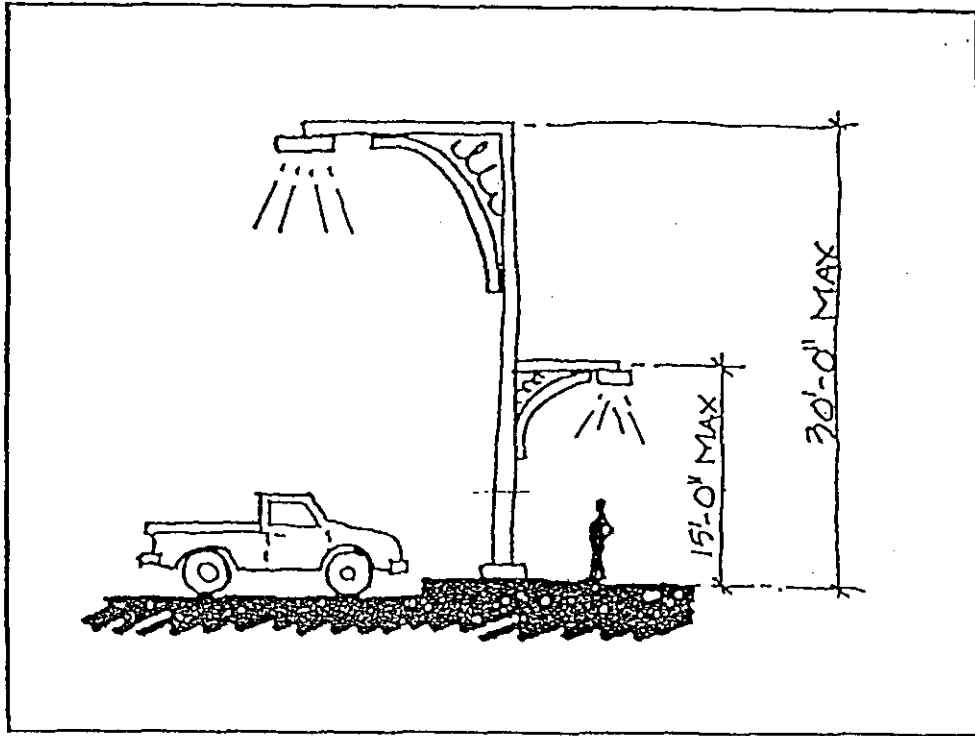


ILLUSTRATION #3

(c) Buffering and Shielding (df)

- (1) Purpose and intent. The purpose and intent of this section is to diminish the visual impacts outdoor storage and service functions that may detract or have a negative impact on the street scape, landscape and/or the overall community image.

- (2) Loading areas and docks (including delivery truck parking), outdoor storage, trash collection, heating/air conditioning and other similar mechanical equipment, solid waste disposal facilities, trash compaction, recycling, and other similar service function areas must be fully shielded from adjacent properties and street rights-of-way when viewed from ground level. The shielding must extend vertically a distance equal to or greater than the items, delivery trucks, or facilities being shielded.

Shielding material and design must be consistent with design treatment of the primary facades of the commercial building or development and the landscape plan.

- (3) Roof top mechanical equipment must be shielded from view at ground level by parapet or similar architectural features.
- (4) Garden centers located in shopping centers or associated building materials sales establishments or department stores etc., must shield all materials (except plants) from adjacent properties and street rights-of-way from view at ground level.

(d) Pedestrian walkways.

- (1) Pedestrian access standards. Pedestrian ways, linkages or paths must be designed and constructed to provide access between parking areas and building entry(s) and from the building entry(s) to surrounding streets, external sidewalks, and out parcels.
- (2) Pedestrian ways may be incorporated within a required landscape perimeter buffer in compliance with section 10-416(d)(4) Note (11). Shared pedestrian walkways are encouraged between adjacent commercial projects.

Sec. 10-620. Design standards and guidelines for commercial buildings.

(a) Purpose and intent. The purpose and intent of these provisions is to maintain and complement the street scape by requiring that buildings be designed with architectural features and patterns that provide visual interest consistent with the community's identity and local character while reducing the mass/scale and uniform monolithic appearance of large unadorned walls. (See Illustration 4 below.) Due to inherent problems in the CRA overlay district, compliance with the CRA overlay district design guidelines may substitute for the criteria set forth in this section.

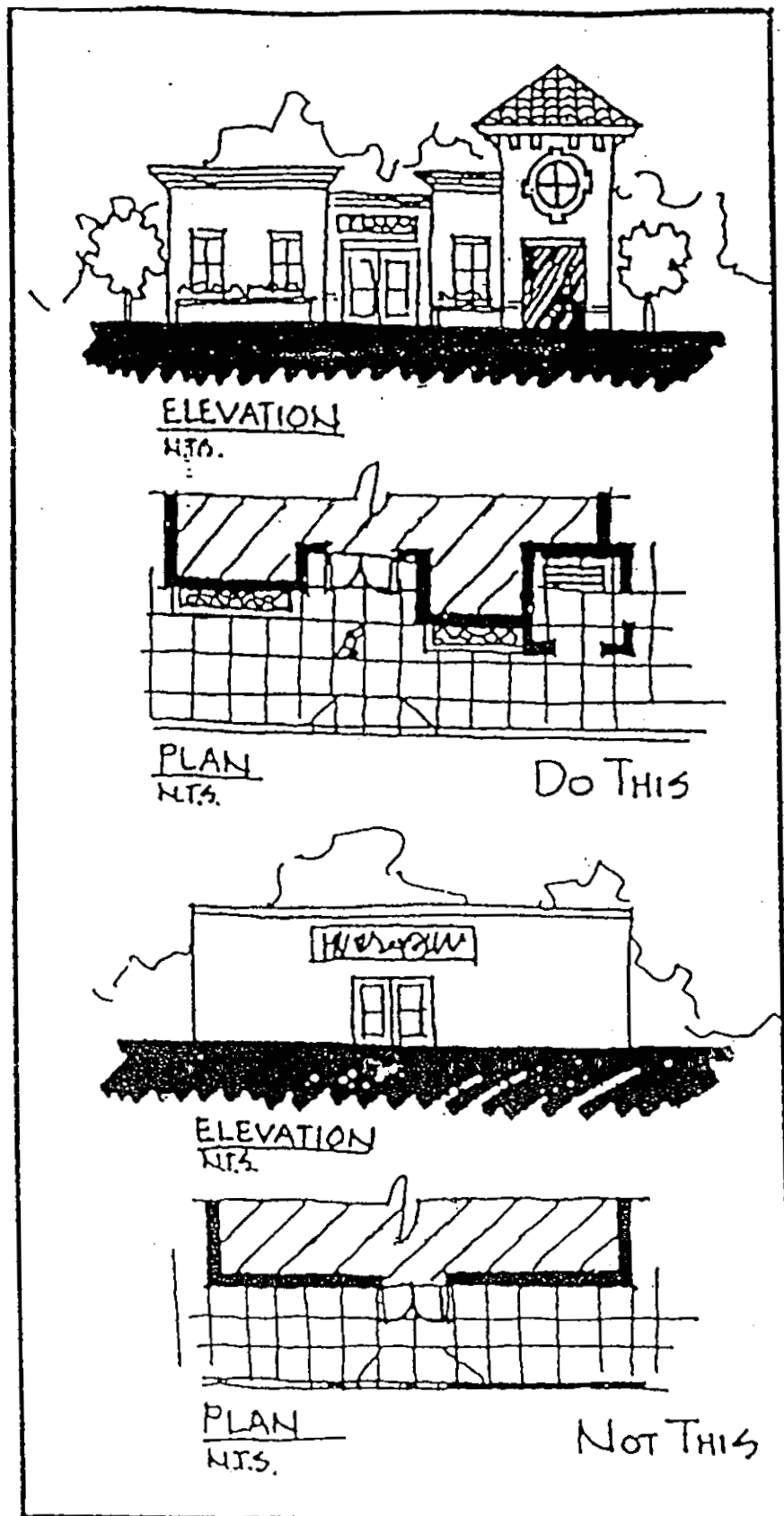


ILLUSTRATION #4

(b) Building/View orientation standards. Buildings must be oriented to maximize pedestrian access, use and view of any adjacent navigable water bodies.

(c) Facades.

- (1) Wall height transition. New buildings that are more than twice the height of any existing building within 300 feet must be designed to provide a transition between buildings of lower height. (See Illustration 5 below.)

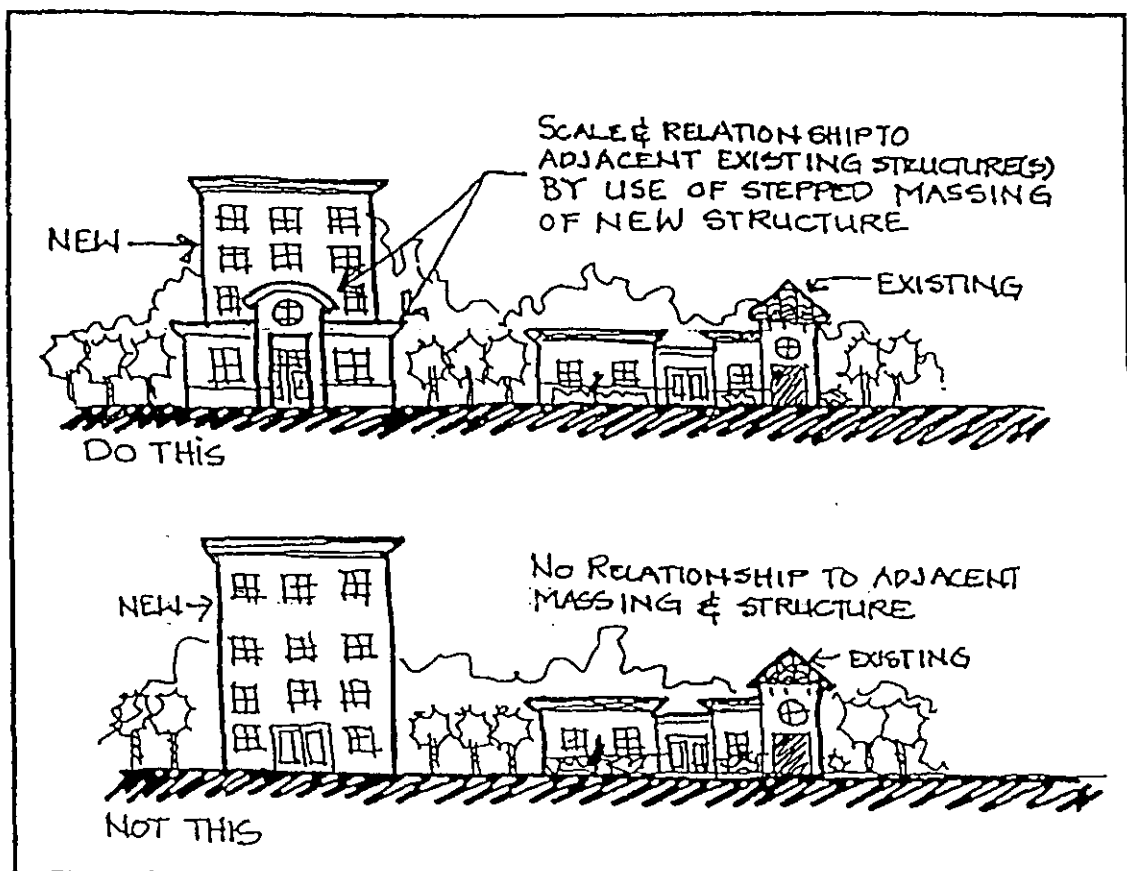


ILLUSTRATION #5

(2) Architectural design.

- a. All primary facades of a building must be designed with consistent architectural style, detail and trim features.
- b. Buildings must provide a minimum of three of the following building design treatments integrated with the massing and style of the buildings. (See Illustrations 6 and 7 below.) If awnings, canopies and overhangs are used they must conform to a unified plan of compatible colors, shapes and materials.

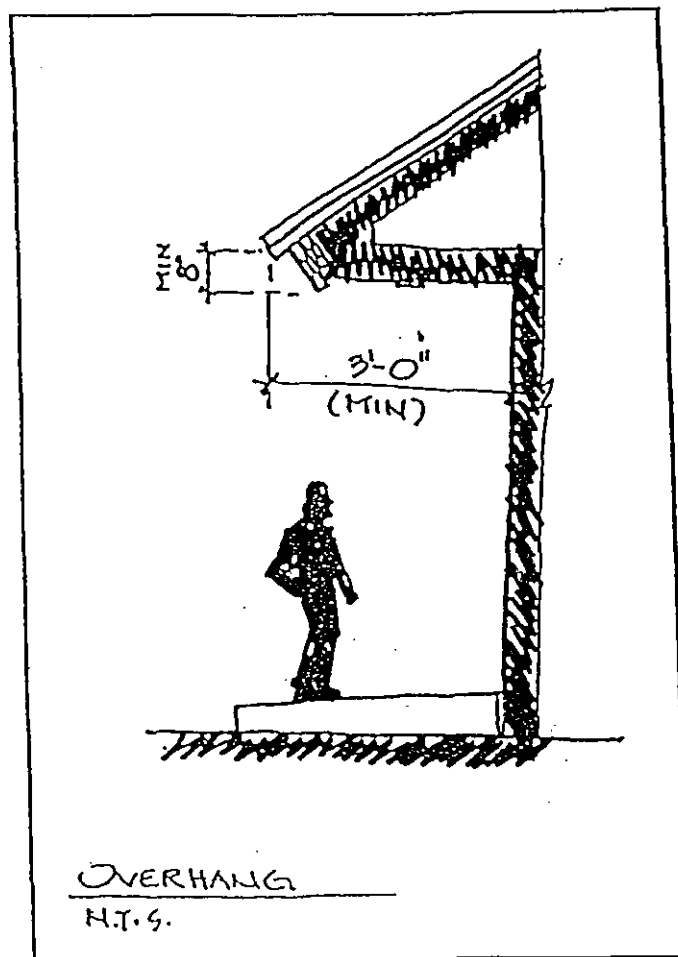


ILLUSTRATION #6

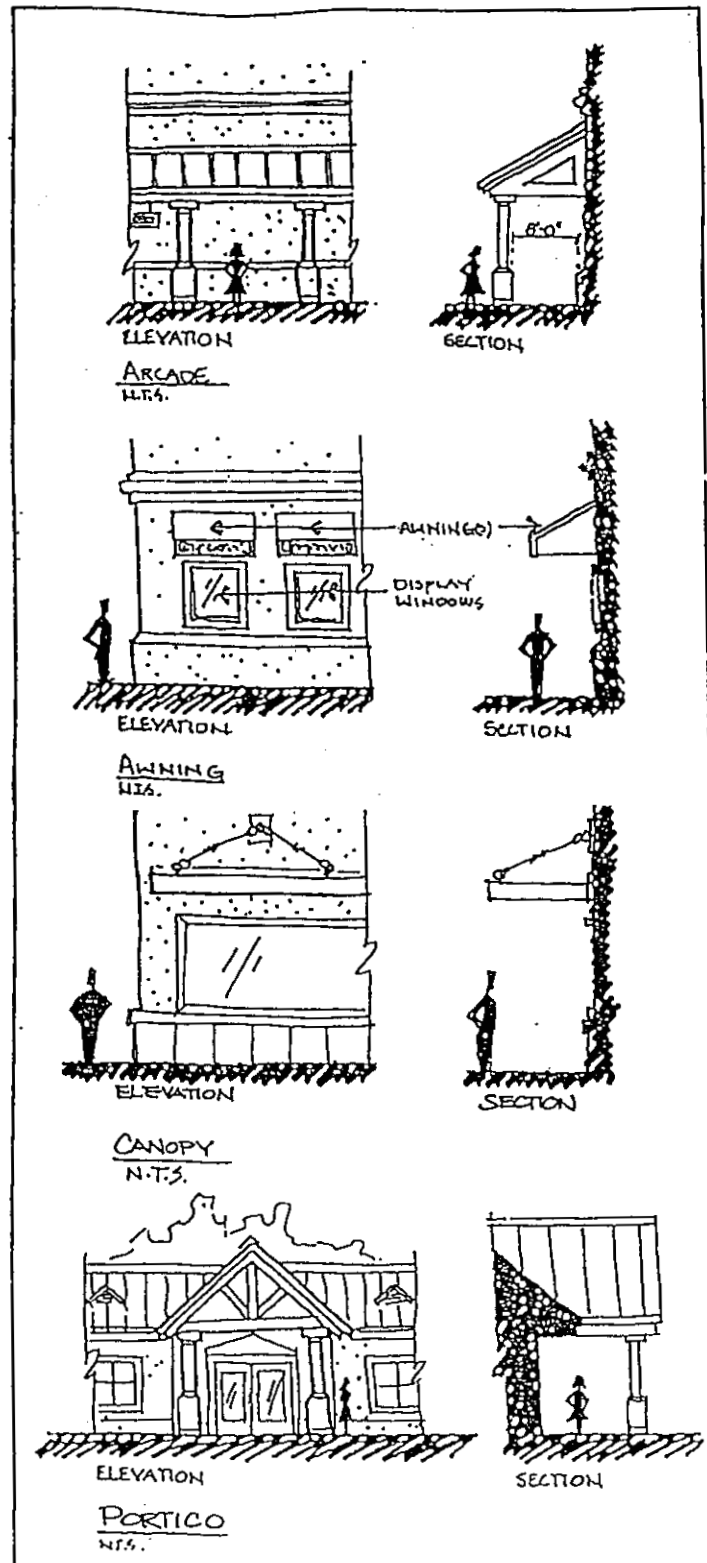


ILLUSTRATION #7

1. Awnings or attached canopies;
2. Overhangs;
3. Porticos;
4. Arcades, minimum of eight feet clear in width;
5. Peaked roof forms;
6. Display windows along a minimum of 50 percent of front walls and any other wall alongside a pedestrian walkway;
7. Clock or bell towers; or
8. Any other treatment which the development services director finds meets the intent of this section;

and on large projects one of the following site design elements:

1. Integration of specialty pavers, or stamped concrete along the building's walkway. Said treatment must constitute a minimum of 60 percent of walkway area;
2. Fountains, reflection ponds or other water elements, a minimum of 150 square feet in area for every 300 lineal feet of primary facade length; or
3. Any alternative treatment or combination of the above elements that the development services director finds meets the intent of this section.

- (3) Corner Lots. In addition to the above, corner lots at an intersection of two or more arterial or collector roads must be designed with additional architectural embellishments, such as corner towers, or other such design features, to emphasize their location as gateways and transition points within the community.

(d) Roof treatments.

- (1) Purpose and intent. Variations in roof lines must be used to add interest to, and reduce the massing of buildings. Roof features and materials must be in scale with the building's mass and complement the character of adjoining and/or adjacent buildings and neighborhoods. The following standards identify appropriate roof treatments and features.
- (2) Roof edge and parapet treatment. The roof edge and/or parapet must have a vertical change from the dominant roof condition, in two locations. At least one such change must be located on a primary facade. (See Illustration 8 below.)

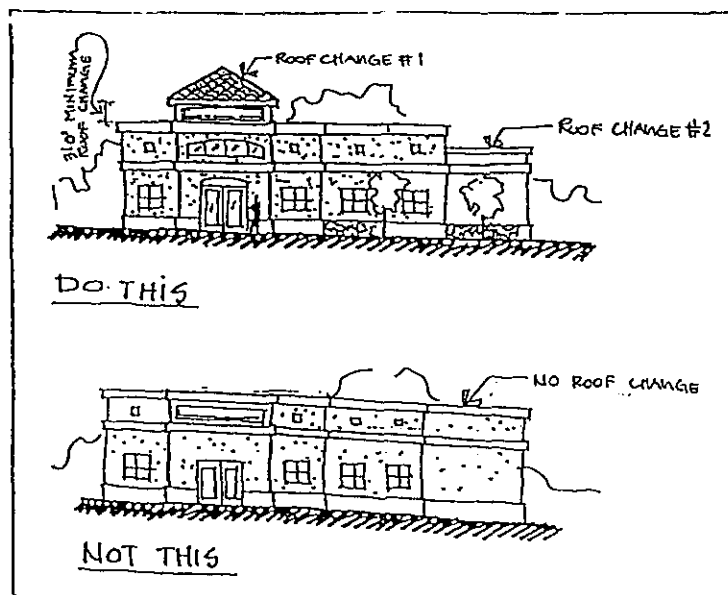


ILLUSTRATION #8

(3) Roofs must be designed to also meet at least two of the following requirements:

- a. Parapets used to conceal roof top equipment and flat roofs;
- b. Three or more roof slope planes per primary facade. (See Illustration 9 below);

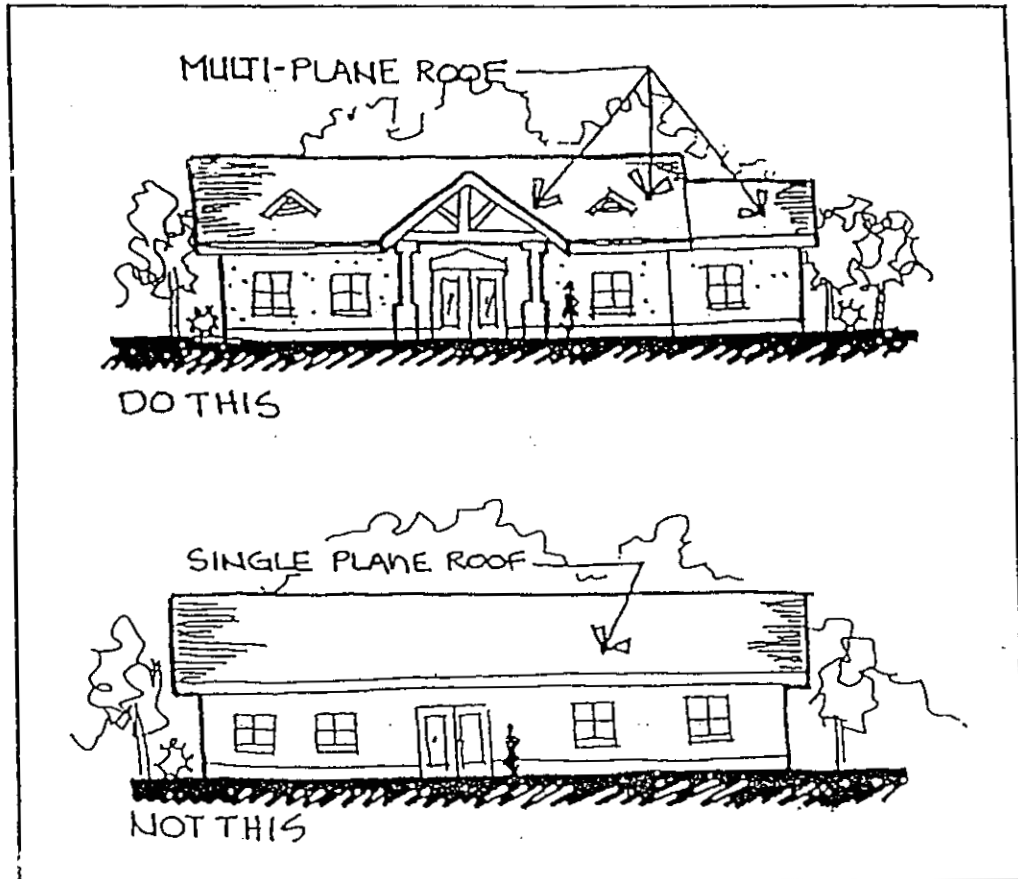


ILLUSTRATION #9

- c. Sloping roofs, which do not exceed the average height of the supporting walls, must have an average slope equal to or greater than 4V:12H but not greater than 12V:12H;
- d. Additional vertical roof changes with a minimum change in elevation of two feet (flat roofs must have a minimum of two changes); or
- e. Three-dimensional cornice treatment which must be a minimum of ten inches in height with a minimum of three reliefs.

(4) Prohibited roof types and materials. The following types of materials are prohibited:

- a. Roofs utilizing less than or equal to a 2V:12H pitch unless utilizing full parapet coverage or mansard;
- b. Mansard roofs except roofs with a minimum vertical distance of eight feet and an angle between 45 and 70 degrees from horizontal; and
- c. Back-lit awnings, overhangs, or attached canopies.

(e) Detail features. The design elements in the following standards must be integral parts of the building's exterior facade and must be integrated into the overall architectural style. These elements may not consist solely of applied graphics, or paint.

(1) Blank wall areas. Building walls and facades must avoid large blank wall areas by including at least three of the design elements listed below, in a repeating pattern. At least one of the design elements must repeat horizontally.

- a. Texture change;
- b. Material change;
- c. Architectural features such as bandings, bays, reveals, offsets, or projecting ribs. (See Illustration 10 below);

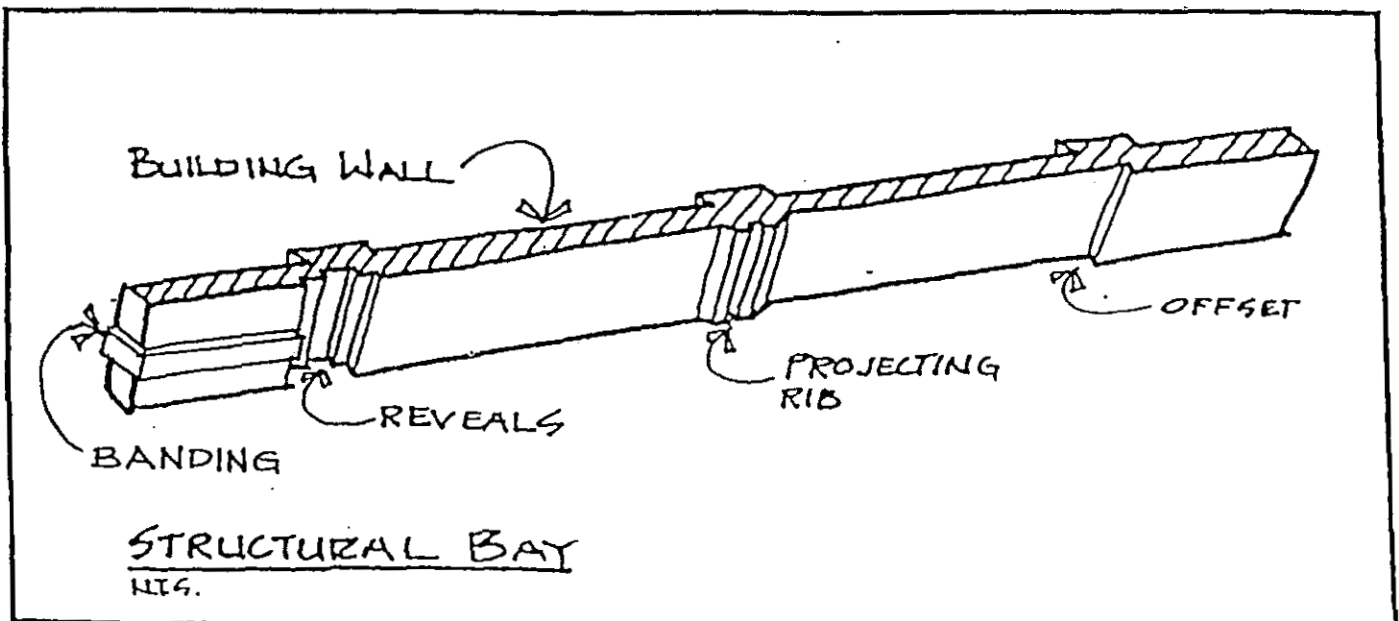


ILLUSTRATION #10

- d. Building setbacks or projections; or.
 - e. Pattern change.
- (2) Materials. Exterior building materials contribute significantly to the visual impact of a building on the community. They must be well-designed and integrated into a comprehensive design style for the project.
- a. The following exterior building materials can not be used on more than 50% of the building facade area:
 - 1. Plastic or vinyl siding except to establish the "old Florida" look;
 - 2. Corrugated or reflective metal panels;
 - 3. Tile (prohibition does not apply to roofs);
 - 4. Smooth, scored or rib faced concrete block;
 - 5. Any translucent material, other than glass; or
 - 6. Any combination of the above.
 - b. Building trim and accent areas, consistent with the overall building, are limited to ten percent of the affected wall area, with a maximum trim width of 24 inches.

Sec. 10-630. Signs.

(a) Purpose and intent. Signs are intended to be designed to complement rather than detract from the visual impact of a commercial development by utilizing design elements consistent with those employed in the structure's architecture and by minimizing conflicts with on-site landscaping areas and vehicular use areas.

(b) Development standards. In addition to the provisions set forth in chapter 30 of this code, the following requirements apply.

- (1) Unified sign plan. Where multiple on-premise signs are proposed for a single site or development, or in the case of a shopping center or other multiple-occupancy complex including out parcels under unified control with the main development, a unified sign plan must be employed. An application for a development order (or a building permit if a development order is not required) must be accompanied by a graphic and narrative representation of the unified sign plan to be utilized on the site. The unified sign plan may be amended and resubmitted for approval to reflect style changes or changing tenant needs. Design elements which must be addressed (in both graphic and narrative form) include:
 - a. colors;
 - b. construction materials and method;
 - c. architectural design;
 - d. illumination method;
 - e. copy style;
 - f. sign type(s) and location(s); and
 - g. in the case of a shopping center or multiple occupancy complex and developments with multiple structures on site, including outparcels, the unified sign plan must indicate conformance with the

following:

1. All wall signs for multi-use buildings must be located at a consistent location on the building facade, except that anchor tenants may vary from this locational requirement in scale with the anchor's larger primary facade dimensions. All signs must adhere to the dimensions provided for in the unified signage plan; and
 2. Pole signs must include colors and/or materials common to those used in the design of the building to which the sign is accessory. A minimum 100 square foot planting area must be provided around the base of any ground or pole sign. These landscape areas must include shrubs and ground cover plants with a minimum of 50 percent coverage of the landscape area at the time of planting. Turfgrass is discouraged and is limited to 10 percent of the landscape area.
- (2) Building permit requests. Requests for building permits for permanent on premise signs must adhere to the unified signage plan, which will be kept on file in the community development department. Requests to permit a new sign, or to relocate, replace or structurally alter an existing sign must be accompanied by a unified sign plan for the building or project the sign is accessory to. Existing permitted signs may remain in place; however, all future requests for permits, whether for a new sign, or relocation, alteration, or replacement of an existing sign, must adhere to the unified sign plan for the property.

Sec. 10-640. Out parcels.

(a) Purpose and intent. The purpose and intent of these provisions is to assure unified architectural design and site planning between out-parcel buildings and the main building(s) on the site, to enhance the visual impact of the buildings, and to provide for safe and convenient vehicular and pedestrian access and movement within the site.

- (1) All exterior facades of an out-parcel building must be considered primary facades and must employ architectural, site, and landscaping design elements which are integrated with and common to those used on the main development on site including colors and materials, associated with the main building.
- (2) When the use of common wall, side by side development occurs, continuity of facades and consolidated parking for several businesses on one parking lot may be used.
- (3) Out-parcel structures that are adjacent to each other must provide for vehicular connection between their respective parking lots and provide for interconnection of pedestrian walkways.

Sec. 10-650. Exceptions and Interpretations.

(a) Exceptions. Unless specifically indicated to the contrary, deviations and variances to the provisions of this article may not be granted due to the flexibility and choice of design incorporated into the provisions.

(b) Interpretations. Should an applicant and staff be unable to concur on the application of a specific provision or provisions of this article, the community development director is authorized to make a final determination. The director must render a finding in writing within 15 days of receipt of a written request from the applicant. The determination of the community development director may not be appealed.

ARTICLE IV V. ILLUSTRATIONS, TABLES AND DIAGRAMS

Article IV is renumbered to Article V.

SECTION THREE: AMENDMENT TO LAND DEVELOPMENT CODE CHAPTER 14

Land Development Code Chapter 14, Article V is amended as follows with deleted language identified by strike thru and new language identified by underlining.

ARTICLE V. TREE PROTECTION

DIVISION 1. GENERALLY

Sec. 14-377. Exemptions from article.

(c) The exemptions herein do not apply to land located on the following coastal islands: Gasparilla Island, Cayo Costa Island, North Captiva Island, Captive Island, Buck Key, Pine Island, Lover's Key Group of Islands, Black Island, Big Hickory Island, and Little Hickory Island (Bonita Beach).

- (1) The tree permit will be incorporated into the building permit for the site. Review of the tree removal will follow the criteria listed in sections 14-411 and 14-412. For clearing prior to building permit issuance, as a separate tree permit application must be submitted for review and compliance with sections 14-411 and 14-412. No tree permit is required for the annual removal of five trees or less from any single-family residential lot that contains an existing single family dwelling unit.
- (2) As part of the tree permit site inspections, department of community development staff will also review understory or subcanopy plants and protected species for retention or relocation within the site.
- (3) For Pine Island only, a tree removal permit will be required only on parcels or lots zoned or used for residential purposes that are two acres in size or greater.

SECTION FOUR: AMENDMENT TO LAND DEVELOPMENT CODE CHAPTER 30

Land Development Code Chapter 30, Articles I, III and IV are amended as follows with deleted language identified by strike thru and new language identified by underlining.

CHAPTER 30

ARTICLE I. IN GENERAL

Sec. 30-2. Definitions and rules of construction.

(b) The following words, terms and phrases, when used in this chapter, ~~shall~~ have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Announcement sign means a temporary sign announcing a project to be under construction or an intended use of the premises. ~~within 60 days of erecting the sign.~~

Emitting Sign means any sign designed to emit visible smoke, vapor, particles or odor, or which produce noise or sounds capable of being heard, even though the sounds produced are not understandable sounds.

Figure-structured sign means a sign which consists of sculptured, inflated or otherwise constructed in the caricature or shape of an animal (including human beings) or vegetable, whether fictional or real, impression or frame, or cylindrical or other form, sculptured or otherwise constructed, emblematic or symbolic of a personage or the characteristic or quality of either, which is used commercially to attract or draw attention to a business or commercial establishment.

Motion picture sign means a sign capable of displaying moving pictures or images in conjunction with an outdoor advertising structure, accessory sign or advertising statuary visible from any public street or sidewalk.

Portable sign means any mobile or portable sign or sign structure that is not permanently attached to the ground or to any other structure. This definition shall include trailer signs, A-frame signs, sandwich signs, beacon lights, balloon signs, and vehicles whose primary purpose is advertising.

Roofline means the highest continuous horizontal line of a roof. On a sloping roof the roofline is the principal ridge line, or the highest line common to one or more principal slopes of the roof. On a flat roof the roofline is the highest continuous line of the roof or parapet, whichever is higher.

Roof sign means any sign or other street graphic erected or constructed and maintained on the roof covering above the eaves (excluding mansard roofs) and under the roofline of any building.

Sec. 30-5. Prohibited signs.

The only commercial advertising signs permitted in the county, are those expressly authorized by the provisions of this chapter. The following types of signs are prohibited, but this enumeration does not limit the general prohibition set forth in this subsection:

- (1) ~~On-site signs and off-site~~ Any signs which are that is not designed, located, constructed or maintained in accordance with the provisions of this chapter, ~~which are~~ is not compatible with the objectives of this chapter, or ~~which does~~ not meet the requirements of all applicable county, state and federal codes.
- (5) Animated signs as defined in this chapter, except where allowed by sections 30-6 or 30-151(7).
- (6) Emitting signs as defined in this chapter, except where allowed by sections 30-6 or 30-151(7), which emit visible smoke, vapor, particles or odor, or which produce noise or sounds capable of being heard, even though the sounds produced are not understandable sounds.
- (7) Balloons, including all inflatable air signs or other temporary signs that are inflated with air, helium or other gaseous elements, except where allowed by sections 30-6 or 30-151(7).
- (8) Banners, pennants or other flying paraphernalia, except an official federal, state or county flag, and one symbolic flag not to exceed 15 square feet in area for each institution or business, or except where allowed by sections 30-6 or 30-151(7).
- (12) Figure-structured signs as defined in this chapter, except where allowed by sections 30-6 or 30-151(7).
- (13) Motion picture signs, mechanisms in conjunction with any outdoor advertising structure, accessory sign or advertising statuary used in such a manner as to permit or allow the images to be visible from any public street or sidewalk.
- (15) Portable signs, except as permitted in sections 30-6 or 30-151(1)b.
- (17) Roof signs as defined in this chapter, except where allowed by section 30-6.

Sec. 30-6. Permitted signs.

Permitted signs are classified into three categories: signs not requiring a permit, signs requiring a sign location permit only, and signs requiring a sign construction permit.

(1) Signs not requiring permit.

- g. Holiday Christmas and Hanukkah decorations. Signs of a primarily decorative nature, clearly incidental and customary and commonly associated with ~~any national, local or religious~~ the Christmas and Hanukkah holidays, ~~provided that such signs shall may be displayed no more than 45 calendar days prior to and 15 calendar days after the nationally recognized holiday, for a period of not more than 60 consecutive days and such signs shall not be displayed for more than 60 days in any one year.~~

Holiday Christmas and Hanukkah decorations signs may be of any type ~~(not otherwise prohibited by section 30-5)~~, number, area, height, illumination or animation and shall be provided:

1. The decorations contain no advertising (other than the name of the business); and
 2. The decorations are set back a minimum of ten feet from all boundary lines of the lot, provided that and provide clear visibility areas shall be maintained on a corner lot in accordance with the requirements of chapter 34, section 34-3131.
- (3) Signs requiring sign construction permit. No sign that meets or exceeds one or more of the following criteria ~~shall may~~ be erected prior to issuance of a sign construction permit in accordance with section 30-54(c):
- a. Any sign, ~~including balloons~~, exceeding ten feet in height.
 - b. Any sign, ~~except portable signs~~, exceeding 32 square feet in area.
 - c. Any illuminated ~~or electrically operated~~ sign, including portable signs, if the source of the illumination or electricity has not been previously approved.
 - d. Any sign, other than a painted sign, attached to a wall or marquee.
 - e. Any billboard.

ARTICLE III. MEASUREMENT; CONSTRUCTION AND MAINTENANCE STANDARDS

Sec. 30-94. Construction standards; landscaping.

(a) Generally. All signs ~~shall must~~ comply with the appropriate detailed provisions of the Southern Standard Building Code relating to design, structural members and connections. Illuminated signs ~~shall must~~ also comply with provisions of the National Electrical Code, and all electrical work ~~shall must~~ be Underwriters' Laboratories approved or be certified by an electrician licensed by the county. Signs ~~shall must~~ also comply with the additional standards set forth in this section.

(b) Erection by licensed contractor. No sign ~~shall may~~ be erected, other than a painted wall sign or polyester film window graphics, except by a licensed contractor, if the sign:

- (1) Exceeds 32 square feet in area;

- (2) Exceeds ten feet in height; or
- (3) Requires ~~or uses electricity~~ artificial illumination from other than a previously approved source.
- (e) *Electric signs.*
- (1) All electric signs, ~~including portable signs, must shall~~ be certified by the sign contractor that the sign meets the standards established by the National Electrical Code as adopted in section 6-191. All electric signs ~~shall must~~ be erected and installed by a licensed sign contractor. The electrical connection to a power source ~~shall must~~ be performed by a licensed electrical contractor.
- (2) Artificial light used to illuminate any sign from outside the boundaries of the sign ~~shall must~~ be screened in a manner ~~which that~~ prevents the light source from being visible from any abutting right-of-way or adjacent property.

ARTICLE IV. RESTRICTIONS BASED ON LOCATION

DIVISION 2. ON SITE-SIGNS

Sec. 30-151. Temporary signs.

~~Except as provided in subsection (8) of this section, upon application for and issuance of a sign location permit, the following temporary signs are permitted in all zoning districts subject to the following regulations: It shall be unlawful to erect, cause to be erected, maintain or cause to be maintained any temporary sign which fails to comply with the following regulations:-~~

The following types of ~~temporary signs which that~~ are in compliance with the regulations set forth in their indicated sections ~~shall will~~ not be required to obtain sign location permits:

- residential construction signs, subsection (2)c of this section;
- political or campaign signs, subsection (4) of this section; and
- real estate signs, subsection (6) of this section.

The following types of temporary signs are permitted in all zoning districts subject to the following regulations.

(1) *Announcement signs.*

- a. A temporary sign announcing a project to be under construction or an intended use of the premises ~~in the immediate future shall within 60 days of erection of the sign may~~ be permitted in accordance with the following:
 - 1. One ground-mounted sign is allowed per street frontage per project.
 - 2. Sign area ~~shall may~~ not exceed 32 square feet, and signs ~~(including the support structure) shall may~~ not exceed ~~eight ten~~ feet in height above the crown of any abutting street.
 - 3. 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 telephone number.

Such sign may be posted for a 180-day period, at the end of which time continued use of the sign ~~shall will~~ be subject to approval by the building official. Such sign ~~shall must~~ be removed upon issuance of a building permit for the project. The provisions of this subsection

notwithstanding, signs announcing the development of a recorded subdivision may be posted for a 12-month period from the date of recording the subdivision plat.

- b. Temporary announcement signs for a new business, or a business in a new location with no permanent signs, may be permitted up to 32 square feet in sign area (or for a portable sign up to 40 square feet), or the maximum permitted sign area for any one ground-mounted permanent sign, whichever is lesser, for a period of not more than 60 days or until installation of permanent signs, whichever occurs first. The temporary sign (including the support structure) shall may not exceed ten feet in height. No temporary announcement sign ~~shall may~~ be permitted if the sign would exceed either the number or size of permanent signs otherwise permitted by this chapter for the occupant or location.
- (5) *Promotional signs* Except as provided in section 30-6(1)p, no person, civic club or other non-profit organization ~~shall may~~ post any sign on property owned by others for special events or promotions until such person, civic club or non-profit organization obtains a permit from the building official and a bond or other security deposit acceptable to the county is posted to ensure the proper maintenance or removal of the sign in accordance with section 30-54(b)(3), and the following regulations:
- a. Promotional signs may be erected within 45 days prior to a proposed event and must be removed within ten days after the event.
 - b. Promotional signs (including the support structure) shall may not exceed 40 square feet in area and ten feet in height.
- (7) *Special occasion signs.*
- a. Temporary on-site signs ~~may shall~~ be ~~issued for allowed to address grand openings or~~ special occasions such as ~~holidays (other than Christmas and Hanukkah which are addressed in section 30-6), car, boat or craft shows, carnivals, parking lot sales, annual and semiannual promotions or other similar events, provided that:~~
 - ~~a1. A special occasion sign permit is issued by the building official;~~
 - ~~b2. The special occasion sign permit is. The permit shall be issued for a period of time not to exceed 90 15 days;~~
 - ~~3. All Special occasion signs that are defined as animated, balloon, emitting, figure structured, motion picture, or roof signs, must be approved by the director of Community Development. The Director's decision is discretionary and is not appealable; and~~
 - ~~c4. No business shall may~~ be permitted more than one Special occasion ~~such~~ permit in any six-month period;
 - ~~db. Signs shall must~~ be located on-site only and in such a manner as to not create any traffic or pedestrian hazard;
 - ~~ec. No animated Signs animated, inflated or illuminated by electricity and shall be permitted must comply with all electrical and safety codes; and~~
 - ~~ed. Signs shall must~~ be constructed and secured in accordance with all applicable standards.

SECTION FIVE: AMENDMENT TO LAND DEVELOPMENT CODE CHAPTER 34

Land Development Code Chapter 34, Articles I, II, IV, VI, VII, and VIII are amended as follows with deleted language identified by strike thru and new language identified by underlining.

CHAPTER 34

ARTICLE I. IN GENERAL

Sec. 34-2. Definitions.

~~Portable Kiosk. See section 34-172 (34-172)~~

ARTICLE II. ADMINISTRATION

DIVISION 6. APPLICATIONS AND PROCEDURES FOR CHANGES, PERMITS, INTERPRETATIONS AND APPROVALS

Sec. 34-209. Building relocation permit.

(b) *Contents of application.* Any person desiring to relocate or move a building must first file with the director of the division of codes and building services a written application on an official form provided by the division. The application must include the following information furnished by the applicant and must be accompanied by the required application fee:

- (10) Proof of notice to all owners of property ~~located adjacent to~~ abutting or across the street from the site where the building is proposed to be located.

ARTICLE IV. PLANNED DEVELOPMENTS

DIVISION 2. APPLICATION AND PROCEDURE FOR APPROVAL

Sec. 34-381. Duration of rights conferred by adopted master concept plan.

- (a) Master concept plans approved prior to December 2, 1991, are subject to the following:
 - (3) If all or part of a master concept plan is vacated, a notice of vacation will be sent to the owner of record of the affected property via certified mail. The notice, accompanied by all necessary maps and documents, ~~must will~~ be recorded by the department ~~on in~~ the official records of the county in order to provide notice to subsequent purchasers and others having or seeking an interest in the property. Failure to provide direct notice of a vacation or to record the notice will not vest or extend the validity of the vacated concept plan.
- (b) Master concept plans approved after December 2, 1991, are subject to the following:
 - (5) If all or part of a master concept plan is vacated, a notice of vacation will be sent to the owner of record of the affected property via certified mail. A copy of the notice ~~will~~ be recorded by the division in the official records of the county to provide notice to subsequent purchasers. Failure to provide direct notice of a vacation or to record the notice will not vest or extend the validity of the vacated concept plan.

ARTICLE VI. DISTRICT REGULATIONS

DIVISION 11. REDEVELOPMENT OVERLAY DISTRICTS

Subdivision I. ~~In~~ General Requirements

~~The following sections have been moved from Subdivision IV to Subdivision I, and are renumbered and modified as follows:~~

Sec. 34-~~1122~~1080. Purpose and Intent.

(a) The redevelopment overlay district is a special zoning classification established to recognize and provide for the unique requirements of redevelopment ~~which that~~ cannot be adequately addressed through existing regulations. The purpose of the district is to create favorable conditions for the revitalization of redevelopment areas, or portions thereof, by establishing a procedure through which such areas can be master planned. The master planning may include development guidelines and standards ~~which that~~, to the extent covered, are intended to provide an incentive driven alternative to the standard zoning and other land development regulations.

(b) It is the express policy of the Board of County Commissioners that development consistent with an approved ~~redevelopment overlay district and~~ master site plan be voluntary. Without limiting the generality of the foregoing principle, no application for development approval or rezoning may be denied on the basis that the proposed plan of development is inconsistent with an established ~~redevelopment overlay district and~~ master site plan for the area, unless the applicant has voluntarily chosen to seek approval pursuant to ~~them~~ master plan.

Sec. 34-~~1123~~1081. Definitions.

In order to effectuate the purpose and intent of the redevelopment overlay district, certain terms are defined as follows:

Community redevelopment advisory committee (CRAC) means an advisory committee appointed pursuant to Resolution 90-07-22, by the Board of County Commissioners.

Community redevelopment agency (CRA) means an agency established by the county pursuant to Florida Statutes, to undertake and implement improvements, as well as to promote and create favorable conditions for the development, redevelopment and revitalization of the community redevelopment areas.

Community redevelopment agency board (CRA Board) means the Board of County Commissioners sitting as the governing board of the community redevelopment agency, pursuant to Resolution 90-07-22, adopted by the Board of County Commissioners on July 7, 1990.

Community redevelopment areas means those unincorporated portions of the county established as community redevelopment areas, pursuant to Resolutions 90-07-21 and 91-06-13 adopted by the Board of County Commissioners, and any other resolutions that may be adopted to establish additional community redevelopment areas.

Community redevelopment plan means a community-wide plan, pursuant to F.S. §§ 163.360 and 163.362, which consists of policies, methods and strategies applicable to all community redevelopment areas.

Component plan means a redevelopment plan ~~which that~~ examines the conditions and needs and provides redevelopment recommendations for a specific area, i.e., Bonita Springs, ~~Charleston Park~~, etc., hereinafter referred to as component areas. The plans are a component of the community redevelopment

plan, hence the term component plan. The Board of County Commissioners has adopted component plans for Bonita Springs, Charleston Park, Dunbar, Eastern Heights, North Fort Myers, Page Park, Pine Manor, San Carlos Island, and Lehigh Acres.

Local redevelopment planning committee (LRPC) means a committee of citizens appointed by the community redevelopment agency board to represent a component area.

Master site plan (MSP or Plan) means a plan for a specific area (hereinafter referred to as a master plan area) within a component area. The Plan may include zoning and development regulations that are customized to fit the needs of the area subject to the master site plan.

Sec. 34-1082. Overview of redevelopment overlay district regulations

(a) *Optional nature of redevelopment overlay districts.* Landowners in an approved Redevelopment Overlay District are encouraged to develop or redevelop their property in conformance with the applicable redevelopment overlay district master site plan and design guidelines. Should a landowner choose to avail himself of the modified land development regulations of the redevelopment overlay district, then compliance with all applicable portions of the redevelopment overlay district will be mandatory for that property. Landowners within a redevelopment overlay district are not subject to or required to participate in any of its provisions unless that landowner elects to do so. A landowner's decision to use a redevelopment overlay district's regulations must be made in writing. This document must be recorded by the applicant in Lee County's official records, and must acknowledge that the decision to develop under the redevelopment overlay district runs with the land. So long as the property utilizes the redevelopment overlay district's regulations to legitimize its existing plan of development, compliance with those regulations will continue to be required. If a property owner subsequently chooses to redevelop in complete conformance with the then existing regulations applicable to the underlying zoning district, compliance with the redevelopment overlay district's regulations is not required. In that event a form approved by the Department of Community Development reflecting the landowner's election to opt out of the redevelopment overlay district must be executed and recorded in the same manner as the election to participate.

(b) *Design guidelines.* Design guidelines may be developed for each redevelopment overlay district. These guidelines will provide technical and design assistance for exterior commercial building renovations and new construction. They are intended to encourage owners and tenants to improve, in a consistent manner, the overall ambience of the redevelopment overlay district in an effort to give it a sense of place and relatedness between the establishments included within the district. Design guidelines address such things as preferred landscape materials and exterior colors. The design guidelines are offered simply to encourage the proper maintenance and improvement of the visual character of the districts. These guidelines are adopted through the Lee County administrative code process.

(c) *Types of redevelopment overlay districts and sub-districts.* Each redevelopment overlay district may be comprised wholly or in part of a district or sub-district that:

(1) does not change the use(s), or the method of County approval required to allow a use in the underlying zoning district(s), i.e., only changes the property development regulations, open space/buffering/landscaping, parking, or signage requirements, or requires some form of integrated infrastructure;

(2) changes the use(s) or method of County approval required to allow a use, from that required in the underlying zoning district(s); and

(3) allows expansion so long as the sub-district area is geographically defined and approved in the same manner as either of the non-expansion areas set forth above, and any planning criteria or conditions established for the expansion sub-district are first met.

(d) Development approvals. Once a landowner has elected to develop under a redevelopment overlay district's regulations, the Community Development Director, or designee, is authorized and required to determine whether each development request complies with the redevelopment overlay district's land development regulations. When a property owner submits a development request relying on the redevelopment overlay district regulations, a copy of the recorded document reflecting the property owner's election to participate in the redevelopment overlay district must be provided.

- (1) A redevelopment overlay district's regulations may authorize the Community Development Director, or designee, to administratively approve the proposed plan of development under the redevelopment overlay district's regulations, so long as the following criteria are met:
 - a. the applicant has provided a copy of an acceptable executed and recorded overlay participation agreement to the County;
 - b. the proposed development is consistent with the Lee Plan and the applicable adopted redevelopment overlay district's master site plan and land development regulations; and
 - c. the proposed development would not have any apparent negative effects on adjoining property; and would not have an adverse impact on the public health, safety, or welfare.
- (2) The director may approve, approve with conditions, or deny a development request within a redevelopment overlay district.
- (3) Development proposals that seek to include uses that require approval of a special exception under a redevelopment overlay district's use regulations, may only be approved by the director if the Lee County Hearing Examiner has approved the requested special exception and the development proposal meets the contention of sub-section (d)(1)a. above.
- (4) Notwithstanding the foregoing, property previously zoned to any of the Planned Development districts are not eligible to participate in a redevelopment overlay district through the administrative approval process. Instead, amendments to an existing planned development must follow the planned development amendment process specified in section 34-371. Developers of new planned developments may voluntarily elect to participate in a redevelopment overlay district, provided the uses proposed for the planned development are also allowed in the redevelopment overlay district or sub-district, except that the planned development request must provide site specific location of their proposed uses and footprints of structures to be developed. Development requests submitted pursuant to section 34-373(a)(6) are not legally sufficient.
- (5) Development requests seeking administrative approval must file an application for same on forms substantially similar to those provided by the County and must detail the specific type of approval or relief being sought.
- (6) Administrative decisions of the director may be appealed in accordance with existing procedures for such appeals in this Chapter.

(e) Elements of a redevelopment overlay district. Each redevelopment overlay district includes two distinct elements: the master site plan and the design guidelines. A master site plan is a required element, while design guidelines, although encouraged, are an optional element unless stated otherwise in a particular redevelopment overlay district. Together these elements are intended to encourage redevelopment in a manner consistent with the applicable component plan. Both the master site plan and design guidelines may have textual and graphic aspects.

Sec. 34-11241083. Criteria for master site plan areas.

The following minimum criteria ~~shall~~ must be satisfied prior to the adoption of a master site plan:

- (1a) Property ~~shall~~ must be located within a community redevelopment component area.
- (2b) Properties within the proposed master site plan area ~~should~~ must either:
 - a-(1) Possess unifying distinctive elements that create an identifiable setting, character, or association ~~which sharing~~ common development/ ~~or~~ redevelopment problems of such a nature that it would be more practical or desirable to address them concurrently as a redevelopment overlay district rather than to have each individual property owner seek relief from specific development regulations; or
 - b-(2) ~~Share~~ a common problem ~~which that~~ the Board of County Commissioners, acting as the community redevelopment agency board, determines ~~should/ or~~ could be addressed through the community redevelopment agency master plan overlay district process.
- (3c) A component plan ~~shall~~ must be completed and adopted prior to the preparation and adoption of a master site plan. ~~The master plan shall be consistent with the component plan:~~
- (4d) A master site plan must be prepared and adopted in accordance with the procedures set forth in section 34-1128 1087. ~~The master site plan must be consistent with the component plan.~~

Sec. 34-11251084. Contents of master site plan.

(a) The complexity of a master site plan may range from a simple document addressing one or two issues to a full-scale land development master plan ~~which that~~ provides for modifications to the current use regulations, ~~and/or~~ property development regulations, ~~and other land development regulations~~, for the existing underlying zoning district(s). The type of master site plan ~~which that~~ will be adopted largely depends on the number and scope of problems being addressed.

(b) All master site plans ~~shall~~ must contain, at a minimum, the following:

- (1) ~~A~~ a clearly specified purpose and intent.
- (2) ~~A~~ a clearly described perimeter of the ~~area~~ district or sub-district to which it will apply, including a legal description and boundary sketch; ~~and~~
- (3) ~~A~~ a identification name for notation on official documents.

Sec. 34-11261085. Limitation to new land development regulations.

(a) ~~The A redevelopment overlay district and~~ master site plan may address those specific zoning and land development regulations ~~which that~~ need to be modified ~~from the existing land development regulations~~ to further the district's stated purpose and intent ~~of the plan~~. For example, if the master site plan would ~~allow~~ deviations from the ~~alter the current~~ parking or open space requirements, it ~~shall~~ must state which regulation (for ex., by section number) is being modified, how, and to what extent, the regulations ~~are modified: is being~~ altered. ~~To the extent the~~ If a master site plan does not modify existing regulations, the ~~existing then current~~ regulations ~~of the underlying zoning district(s) shall will~~ apply along with all other land development regulations applicable to a particular development request.

(b) The master site plan is not required to address all aspects of zoning and development, but may address and modify the zoning and development standards ordinance provisions of this code, and any other land development regulations necessary to accomplish the stated purpose and intent of the redevelopment overlay district.

(c) ~~Owners of property located within the established perimeters of the master plan area will have the option of developing/redeveloping their property in accordance with either the adopted master plan or the county land development regulations, but not both. The plan may contain standards which are more stringent or less stringent than the underlying zoning. When an owner of property elects to develop pursuant to the master plan, then in the event of any conflict, the master plan shall control.~~

Sec. 34-11271086. Infrastructure.

Where the master site plan provides for shared infrastructure, such as common parking, surface water management, water and sewer facilities, and the like, a mechanism for its implementation ~~shall~~ must be provided within the plan. The plan ~~shall~~ must provide adequate assurances that the proportionate part of the shared infrastructure needed for development of each parcel will be provided prior to, or contemporaneously concurrent with, development of that parcel pursuant to the plan.

Sec. 34-11281087. Master site plan Initiation and adoption.

(a) *Consideration of proposed master site plan.* A proposed master site plan ~~shall~~ must first be considered by the local redevelopment planning committee and the community redevelopment agency staff. The local redevelopment planning committee ~~shall~~ will make a recommendation to the community redevelopment advisory committee, as to whether a master site plan should be prepared.

(b) *Approval or denial.* After the local redevelopment planning committee has made its recommendation to the community redevelopment advisory committee, the community redevelopment advisory committee must consider and determine whether or not to approve the request to prepare the master site plan. If the community redevelopment advisory committee does not approve the request to prepare a master site plan, the matter will be decided by the community redevelopment agency board.

(c) *Submittal documents.* Once the proposed scope of the master site plan has been decided and approved by the corresponding geographic local redevelopment planning committee, and the community redevelopment advisory committee, the director of the community redevelopment agency ~~shall~~ will consult with the director of community development ~~to agree and determine what submittal documents will be required, given the scope of the master site plan.~~ In the event they cannot agree, the matter will be resolved by the county ~~administrator~~ manager.

- (1) *Master site plans ~~which that~~ do not modify use regulations.* If the master site plan does not propose ~~modifications to~~ modify the uses permitted in the underlying zoning district(s) ~~or the approval required to allow the use,~~ submittal documents may be as simple as the proposed language for modifying specific land development regulations consistent with section 34-1127 (a). Other submittal documents ~~shall~~ will be mutually agreed upon by the director of the community redevelopment agency ~~and the director of the department of community development depending on the scope of the master plan: provided as set forth above.~~
- (2) *Master site plans ~~which that~~ modify existing use regulations.* If the master site plan proposes to modify the use regulations of ~~chapter 34 the underlying zoning district(s), or the type of approval required to allow a use,~~ then the master site plan must include the following, unless specifically exempted by ~~agreement with the director of community development or a decision of the county administrator~~ manager:

- a. Existing property lines, current zoning and land uses.
- b. The general location of all principal buildings and their current use.
- c. Proposed uses of land.
- d. A statement as to the kind and number of additional public facilities or utilities ~~which~~ that will be required in the area, if applicable.
- e. Existing and/or proposed density or intensity of land such as lot sizes, setbacks, building heights, number of dwelling units per acre, etc.
- f. General location and pattern of vehicular and pedestrian circulation.
- g. Open space and recreation;
- h. Other general information such as:
 - 1. Access control.
 - 2. Architecture and sign guidelines.
 - 3. Parking.
 - 4. Pedestrian ways and bikeways.
 - 5. Open space design.
 - 6. Other similar attributes.
- i. Proposed Modifications to the existing land development regulations.

(d) *Submission to department of community development.* Upon completion of the master site plan, including review and approval by the local redevelopment planning committee and the approval of the community redevelopment advisory committee, the plan ~~shall~~ will be submitted to the department of community development for review and comment.

(e) *Presentation to local planning agency and Board of County Commissioners.*

- (1) Community redevelopment staff will present the proposed redevelopment overlay district regulations to the local planning agency and the Board of County Commissioners. The department of community development staff ~~shall~~ will prepare a report which addresses consistency of the master site plan with the Lee Plan and other issues of concern. This report ~~which shall~~ will include a recommendation; ~~shall and will~~ be presented at the local planning agency and the Board of County Commissioners for hearings.
- (2) The community redevelopment agency staff ~~shall~~ must provide written notice ~~to all property owners within the boundaries of a proposed master plan. Such notice shall that:~~
 - a. ~~States that whether~~ the subject property is located within the boundaries of ~~a the~~ proposed ~~master plan of redevelopment for the area~~ overlay district;
 - b. ~~Explains that~~ development consistent with the redevelopment overlay district and master site plan will be optional; ~~and~~
 - c. advises if uses other than those allowed in the underlying zoning district will be allowed in the redevelopment overlay district; and
 - ed ~~Identifies~~ who the property owner may contact to obtain additional information and participate in the planning process.

No defect in, or failure to receive, notice ~~shall~~ will effect the validity of an approved redevelopment overlay district or its master site plan, so long as the community redevelopment agency staff has made a good faith effort to provide the notice required herein.

(f) *Public hearings; notice required.*

- (1) The proposed redevelopment overlay district and master site plan ~~shall~~ will be reviewed by the local planning agency at a public hearing for determination of consistency with the Lee Plan. Notice of the local planning agency hearing ~~shall~~ will be as provided generally for consistency determinations by the local planning agency through publication of the agenda.
- (2) After the local planning agency hearing, the redevelopment overlay district and master site plan ~~shall~~ must be reviewed at public hearings before the Board of County Commissioners, ~~and~~ and notice of the hearings ~~shall~~ will be published in a newspaper of general circulation in the county, ~~all provided to all property owners within the proposed redevelopment overlay district and within 375 feet of the boundaries of the proposed redevelopment overlay district, consistent with current regulations for zoning use changes. Such notice will be as required under current regulations consistent with F.S. § 125.66(6), F.S. The notices shall describe the time, date, place and purpose of the hearing and shall also generally identify the area to be covered by the plan. All interested parties shall will be afforded, at the public hearings, an opportunity to express their views respecting the proposed redevelopment overlay district and master site plan.~~

(g) *Effective date.* The redevelopment overlay district and master site plan ~~shall~~ will be effective when approved by a resolution or ordinance of the Board of County Commissioners adopted at the final public hearing.

Sec. 34-~~1129~~1088. Amendment to adopted redevelopment overlay district and master site plan.

If at any time it becomes necessary or desirable to amend or modify an adopted redevelopment overlay district or master site plan, the following procedures ~~shall~~ will apply:

- (1) *Minor changes.* Minor changes ~~which that~~ do not modify approved land uses, or ~~which do not~~ adversely affect adjacent properties may be administratively approved by the director of the community redevelopment ~~agency after consulting with the director of community development.~~
- (2) *Other changes.* Other amendments ~~which that~~ are not treated as minor changes ~~shall~~ will require an amendment to the master site plan with public hearings in accordance with the procedures for adopting the original plan.

Sec. 34-~~1130~~1089. Review of development requests.

Once a redevelopment overlay district has been adopted, ~~property owners within the master site plan has been adopted~~ property owners within the master plan boundaries have the option of developing consistent with that plan. If a property owner desires to develop under that plan, the owner ~~or~~ developer ~~shall~~ must make application for the appropriate development order or building permit in accordance with county regulations. As part of that review process, community redevelopment agency staff ~~shall~~ be responsible for determining consistency of the proposed development/redevelopment with the master plan. ~~To the extent that the master plan does not address specific regulations, it shall remain the responsibility of the zoning, development review, and codes and building services to ascertain compliance with all other applicable regulations. comply with section 34-1082 (d), above, and any additional requirements set forth for a specific redevelopment overlay district.~~

Sections 34-1131 & 34-1132 are combined into one new section 34-1090 with two sub-sections as follows:

Sec. 34-1131-1090. Placement of boundaries of adopted master site plan and redevelopment overlay district for community redevelopment areas on official zoning maps.
Upon adoption of the a redevelopment overlay district and master site plan by the Board of County Commissioners, the boundaries of the master planned area shall following will be shown on the official county zoning maps:-

- (1) the boundaries of the master site planned area(s);
- (2) to the extent of any differences, the boundaries of the redevelopment overlay district, so as to depict all portions of the Community Redevelopment Areas that are eligible to use the provisions of that redevelopment overlay district; and
- (3) those specific properties that have elected to participate in the redevelopment overlay district.

~~Sec. 34-1132. Indication of community redevelopment areas on official zoning maps:~~

The boundaries of all Community Redevelopment Areas shall be noted on the Official Zoning Maps to indicate those areas which are eligible to use the provisions of this subdivision:

~~Subdivision II. State Road 60 Overlay District The Tice Redevelopment Overlay District~~

Sec. 34-1091. Purpose and intent of subdivision.

(a) The purpose and intent of this subdivision is to provide a method by which relief from certain zoning, development and sign regulations can be administratively approved for properties located within the State Road 60 corridor, more specifically described in section 34-1092, which have been, or will be, adversely affected when the road is widened. The historic nature of development and subdivision of properties along the State Road 60 frontage caused the formation of irregular or inadequate lot widths and depths and overall lot area quantities. The irregular shape and size of the properties creates a hardship in the development and improvement of the property fronting State Road 60, including but not limited to meeting ground-mounted sign setback regulations, meeting off-street parking requirements, and meeting open space and buffering requirements:

(b) This district is an overlay district in that it provides regulations and restrictions in addition to, or specifically modifies, the regulations and restrictions set forth in this chapter for conventional zoning districts in which the property is located, chapter 10, relating to development standards, and chapter 30, relating to signs:

(a) *Purpose and affected area.* The Tice Redevelopment Overlay District (District) is designed to stimulate the revitalization of the western most portion of the larger SR 80 Community Redevelopment Area, specifically, from the city limits of Fort Myers easterly to the I-75 interchange. A legal description of the District's boundary is set forth in Appendix I. The District is comprised of the following sub-districts:

(1) Tice Corridor (TC) Sub-district.

(2) Tice Corridor Expansion (TCE) Sub-district.

(b) *Optional nature of these regulations.* Individual landowners may choose to follow all existing Lee County regulations when they build or rebuild, or at solely their option, they may elect to develop or redevelop under the applicable provisions of this District. However, once a landowner elects to use any of the modified

development regulations of the District on a particular parcel, then the landowner must comply with all of the applicable requirements of the District for that property. A landowner's election to redevelop or develop under the applicable District provisions must follow the procedure set forth in section 34-1082 (a) to become effective.

(c) *Planned Development Zoning.*

(1) Property previously zoned planned development district will not be eligible to participate in the District through the Administrative Approval process for redevelopment overlay districts. Instead, amendments to their existing approvals will follow the planned development amendment process specified in §34-371.

(2) Notwithstanding the above, new planned developments electing to participate in the redevelopment overlay district may be approved as part of the District, so long as the uses requested as part of the planned development are included in Table 1, below, and requisite approvals are obtained.

(d) *Authority.* This District is consistent with and helps to implement the adopted component redevelopment plan for SR 80. This redevelopment overlay district complies with all requirements for such districts found in section 34-1080 through 34-1090.

Sec. 34-1092. Applicability of subdivision Elements of the redevelopment overlay district.

~~The provisions of this subdivision apply only to those properties which physically abut or front upon State Road 80 from the centerline of Prospect Street to the Interstate 75 interchange:~~

This District includes two distinct elements. The first is the master site plan which modifies specified land development regulations, and authorizes changes in the uses or type of approval required for a use in the TC and TCE Sub-districts, as set forth in section 34-1093(b). The second element is a set of design guidelines adopted by administrative code that includes recommendations regarding landscape materials, commercial storefronts, signage and preferred colors. The design guidelines enable private landowners to construct new buildings, or to rehabilitate existing buildings and other facilities, consistent with the specified guidelines, and also encourage proper maintenance. Combined, the two elements help to facilitate the redevelopment of the District in a manner consistent with the SR 80 CRA component plan.

Sec. 34-1093. Conflicting provisions:

~~Whenever the requirements or provisions of this subdivision are in conflict with the requirements or provisions of any other lawfully adopted ordinance, the requirements adopted in this subdivision shall apply for any property located within the State Road 80 corridor described in this subdivision:~~

Sec. 34-1094.3. Modification of property Modified land development regulations; master site plan.

The District Master Site Plan (Plan or MSP) contains graphic and textual aspects which modify the following specified land development regulations. All other Lee County land development regulations remain in full effect. A reduced copy of the Tice MSP is adopted by reference and included in reduced form in Appendix I. In general, the TC Sub-district retains the uses allowed in the underlying zoning district(s). The TCE Sub-district alters the uses from those of the underlying zoning district to allow those uses set forth in Table 1, below. In addition, the type of approval required for certain uses has been modified, as also set forth in Table 1.

(a) *Planning criteria and conditions for the TCE Sub-district.* No use set forth in Table 1 for the TCE Sub-district can be approved unless the following planning criteria and conditions are found to exist by the director or hearing examiner, as applicable:

- (1) the property to be developed is under unified control, and is abutting land within the TC Sub-district or abutting lands previously approved for development in the TCE Sub-district under these provisions;
- (2) there must be a unified plan of development shown on a Master Development Plan submitted with the development request;
- (3) vehicular access to the proposed development request area:
 - a. is from SR 80 (aka Palm Beach Boulevard), and
 - b. is not allowed through a less intense or residential area;
- (4) landscaping and buffering is provided consistent with existing regulations in section 10-416, except that:
 - a. any reduced landscaping or buffering provisions of the District may not be utilized; and
 - b. if the property to be developed abuts Garcia Avenue, Bessie Avenue, Richmond Avenue, New York Avenue, Railroad Street, or Tice Street, a buffer that conforms to section 10-416(d) must be provided along the street; and
- (5) the property to be developed or redeveloped must comply with all of the requirements of Chapter 10, without variances thereto.

(b) Land development regulations - land uses. Development requests electing to apply the land development regulations of the District are processed as administrative approvals pursuant to section 34-1082(d), subject to the following:

- (1) The uses allowed within the TC Sub-district are those in effect for the underlying zoning district(s) at the time a legally sufficient development request is submitted.
- (2) Regardless of the uses allowed in an existing underlying zoning district(s), the only uses allowed in the TCE Sub-district are those set forth in Table 1 at the time a development request is deemed legally sufficient. Land uses that are not expressly included in Table 1 may be permitted by the director only if they are no more intense than the most similar listed use, considering impacts such as noise, hours of operation, traffic generation, compatibility with the purposes of this overlay district and similar factors, and any required approvals are obtained.

(c) Use of Table 1. The following abbreviated terms have the meaning stated and apply to Table 1 and its explanatory notes: the letter "SE" means a use only permitted by a special exception approved pursuant to section 34-145(c), approval under section 34-1082(d)(1)a is required as well; and the letter "P" means a use is permitted subject to approval by the director pursuant to section 34-1082.

TABLE 1
LAND USES IN THE TCE SUB-DISTRICT

Land Uses	Special Notes or Regulations	TCE
Accessory Apartment		P
Administrative offices		P

Land Uses	Special Notes or Regulations	ICE
ATM (automatic teller machine)		SE
Banks and financial establishments, Group I (34-622(c)(3)):		SE
Bed-and-breakfast establishments		SE
Business services (34-622(c)(5)), Group I:		SE
Clubs, Private:	34-2111	SE
Cultural facilities (34-622(c)(10))		SE
Day care center, adult, child		SE
Dwelling unit: Multiple family units	Note A	SE
Entrance gates and gatehouse	34-1749	P
Essential services	34-1611 <i>et seq.</i>	P
Essential service facilities (34-622(c)(13)):		
Group I	34-1611 <i>et seq.</i>	P
Group II	34-1611 <i>et seq.</i>	SE
Excavation, Water retention	34-1651 <i>et seq.</i>	P
Food and beverage service, limited		SE
Hobby, toy, game shops (34-622(c)(21))		SE
Home occupation (With or without outside help)	34-1771 <i>et seq.</i> Note B	P
Medical office		SE
Parks (34-622(c)(32)) Group I		P
Parking lot, Accessory	34-3049	P
Personal services (34-622(c)(33)), Groups I and II:		SE
Place of worship	34-2051	P
Recreational facilities:		
Commercial (34-622(c)(38)), Groups I & III:		SE
Personal		P
Private: onsite		SE
Private - offsite		SE
Residential Accessory Uses		P

Land Uses	Special Notes or Regulations	ICE
<u>Restaurants (34-622(c)(43)):</u>		
Group I and II		SE
Group III		SE
Outdoor Seating	Note C	SE
<u>Schools, commercial (34-622(c)(45))</u>	34-2381	SE
<u>Signs in accordance with chapter 30</u>	Note D	P
<u>Specialty retail shop (34-622(c)(47)), Groups I & II</u>		SE
<u>Storage, Indoor only</u>	34-3001 <i>et seq.</i>	SE
<u>Temporary uses</u>	34-3041 <i>et seq.</i>	P
NOTES: A. <u>Permitted only when located as a secondary use within a commercial building.</u> B. <u>Limited to one employee who is not a resident of the dwelling unit without the need for special conditions required in section 34-1772(c).</u> C. <u>As modified by section 34-1093(d)(7).</u> D. <u>No outdoor speakers or amplified sound may be used unless approved by Special Exception.</u>		

(d) Property Development Regulations - TC Sub-district. The director may administratively approve modifications to the property development regulations, ground-mounted sign regulations, off-street parking requirements, open space and buffering requirements set forth for the underlying zoning district for those properties in the TC Sub-district that physically abut or front upon State Road 80 from the centerline of Prospect Street to the Interstate 75 interchange, so long as the requirements below are met. All other properties within the TC Sub-district are subject to the land development regulations applicable to the underlying zoning district in effect at the time a legally sufficient development request is submitted.

(1) Property development regulations:

(a). Minimum lot dimensions Lot requirements. Reduction of the ~~m~~Minimum lot dimension depth or area requirements set forth for in the property development regulations for the zoning district(s) in which the ~~an~~ eligible property is located may be administratively ~~reduced~~ approved for property located within the State Road 80 corridor by the zoning director as follows:

1. The zoning director may approve a use of a lawfully existing lot which does not comply with the width or depth or area requirements of the zoning district in which the property is located; as long as the noncompliance was a result of the road right-of-way acquisition program and not otherwise self-created; and the use is permitted in the zoning district for an existing lot where the need for the reduction resulted from a government road right-of-way acquisition program and was not otherwise self-created, or
2. The zoning director may approve the creation and use of a new lot even if the lot depth fails to comply with the zoning district regulations, as long as the lot width and area requirements are complied with and the lot is created in accordance with all other applicable regulations to create a new lot with a reduced lot depth if the lot would comply with all lot width and area requirements and the lot is otherwise created in accordance with all other applicable regulations.

~~(b).~~ *Setbacks.* The minimum street, side or rear setback requirements set forth in the property development regulations for the underlying zoning district(s) in which the property is located this chapter for street, side or rear setbacks may be reduced by the zoning director as follows:

1. *Existing buildings and structures.* Buildings and structures within the redevelopment overlay district which that are not in compliance with the street setback requirements of this chapter shall be legal section 34-2192 will be considered nonconforming buildings, subject to the provisions of section 34-3203(a) and (b), so long as the non-compliance resulted from a governmental road right-of-way acquisition program.
2. *New buildings and structures.* Any building or structure erected after the effective date of the ordinance from which this subdivision is derived shall be required to January 1, 1999 must comply with all applicable setback development regulations for the underlying zoning district(s) then in effect, provided except that:
 - i. where existing buildings on the abutting properties on both sides of the property in question are located closer to the street right-of-way than required by this chapter, allowed by section 34-2192, the zoning director may allow approve a minimum street setback equal to the average setback of the existing buildings on the two abutting buildings property, or
 - ii. where only one of the abutting lots has been developed an existing building, the zoning director may approve a setback equal to one-half of the sum of the minimum setback for the structure existing building on the abutting lot and the required setback.

~~c.~~ *Maximum Minimum lot coverage.* In those zoning districts wherein the property development regulations establish a maximum permitted lot coverage, if the property owner has developed and used part of the right-of-way for parking or other development purposes, the area of the right-of-way so used may be calculated as part of the lot area for determining maximum permitted lot coverage. If a portion of a site's parking or other development was reduced by a government road right-of-way acquisition program, then the site area lost thereby may be calculated as part of the overall lot area when determining maximum permitted lot coverage.

~~(2d)~~ *Open space, landscaping and buffering.* The minimum open space, landscaping and buffering required for developments may be modified as follows:

~~a.~~ *Lots which that meet or exceed required standards.* Lots which that meet or exceed the minimum area requirements for the underlying zoning district(s) in which the property is located shall be required to must comply with all open space, landscaping and buffer requirements in effect at the time of permit application the development request is deemed legally sufficient.

~~(1)~~ *Lots which meet or exceed required standards.* Lots which meet the minimum area requirements for the district in which located shall be required to comply with all open space, landscaping and buffer requirements in effect at the time of permit application.

~~b2.~~ *Lots which that cannot meet standards.* The zoning director may administratively approve modifications to the buffering, open space and landscaping requirements for lots which that cannot meet the area or dimensional requirements of the underlying zoning district(s) in which the property is located due to the road widening where the non-compliance resulted from a governmental right-of-way acquisition program and was not otherwise self-created, as follows:

- 1a. *Buffering.* Buffer areas between parking lots and the street right-of-way line may be waived provided that a fence, wall or other acceptable method (e.g. bollards) is used to prevent vehicles from entering the parking lot or parking spaces at other than the site's designated access point. If the property owner would still not be able to develop his property in

~~accordance waiving the buffering requirements would still not allow the property to be developed in compliance with all other applicable regulations, then the zoning director may administratively approve modifications to the open space requirements, as set forth below.~~

- 2b. *Open space.* ~~The percentage of open space required by the underlying zoning district(s) may be reduced by up to fifty (50) percent of the required open space. If the property owner would still not be able to develop his property in accordance reducing the open space requirements by fifty (50) percent would still not allow the property to be developed in compliance with all other applicable regulations, then the zoning director may administratively approve modifications to the landscaping requirements, as set forth below.~~
- 3c. *Landscaping.* Landscaping requirements may be reduced in proportion to approved modifications to the open space requirements.
- (3e) *Access.* ~~The zoning director, with the concurrence of the county engineer subject to approval of the Florida Department of Transportation, where required, may reduce the access point distance separation requirements to accommodate when the proposed driveway or parking lot accesses, but only if they is designed to provide the only vehicle access to two or more abutting properties.~~
- (4f) *Off-Street Parking.* ~~The zoning director may modify parking requirements for uses located within the overlay district. Off-street parking is generally required to comply with section 34-2001 et seq. Those requirements assume that patrons of each land use will arrive in a private automobile that will be parked in a private lot on the same premises. It is an important aspect of this sub-district to encourage alternative parking patterns such as off-site or shared parking lots. To allow flexibility in meeting a site's parking requirements, the director may modify them, as follows:~~
- a1. *Properties meeting certain minimum lot requirements* ~~No parking modifications shall~~ may be administratively approved for any use located on a lot or parcel ~~which that~~ meets the minimum lot depth, width and area requirements for the underlying zoning district(s) in which located ~~after the road widening has been completed notwithstanding the effect of a governmental right-of-way acquisition program.~~
- b2. *Properties reduced below minimum depth requirements.*
- 1a. ~~The zoning director may administratively approve a reduction in~~ reduce the number of required parking spaces ~~otherwise required in proportion to the amount that the lot was reduced in depth by the road widening any reduction in a parcel's area resulting from a governmental right-of-way acquisition program.~~ For example, if a lot originally 100 feet deep is reduced by 20 feet (one-fifth of the depth) by the road widening project, the zoning director may reduce the parking requirement by one-fifth ~~lost 1000 square feet of area for road right-of-way (ROW) purposes (100 foot frontage by 10 foot depth for new ROW) and the resulting depth was reduced below the minimum for the underlying zoning district(s), then the parking requirements may be reduced by the director up to 6 spaces (1000 square feet divided by 162 square feet, the area of the standard parking space, i.e. 9 feet by 18 feet, which equals 6.17, reduced to the next lower whole number, six) in order to meet the parking requirement. If the parking requirements still can not be met, the director may administratively approve the minimum number of off-site parking spaces necessary to meet the site's parking requirements, so long as:~~
- i. the site's property owner has entered into a written agreement with the property owner of the off-site parking lot that has been approved by the County Attorney's Office and recorded in the County's public records;
 - ii. the furthest parking space in the off-site parking lot is located no more than 300 feet from the property in question; and
 - iii. no road or other restrictive barrier exists between the use and the parking lot that would prohibit safe pedestrian travel.

2. To allow flexibility in meeting a site's parking requirements, the director may also administratively approve a development request to allow up to fifty (50%) percent of the required number of parking spaces for any land use in the TC Sub-district to be located off-site, so long as:

- i. a written joint use parking agreement meeting the criteria of section 34-203(e)(7) and acceptable to the County Attorney's Office is recorded in the County's public records; and
- ii. the requirements of sections 34-1089 and 34-2018(b) and (c) are met.

~~b. The zoning director may administratively approve parking off the site provided the parking lot is located within 300 feet of the property in question and provided further that no road or other restrictive barrier exists between the use and the parking lot which would prohibit safe pedestrian travel.~~

(5g) Signs. All signs within the ~~TC~~ overly Sub-district ~~shall must~~ comply with chapter 30; ~~provided except~~ that where ~~an~~ existing buildings located on the same property ~~are is~~ closer to the right-of-way than normally ~~than the minimum setback~~ required by this chapter and therefore make it impossible to ~~locate~~ section 34-2192 as a result of a governmental right-of-way acquisition program such that a ground-mounted sign could not be located between the existing building and the right-of-way and still comply in compliance with chapter 30, then the zoning director may administratively approve one either of the following alternatives:

a1. ~~reduce the required sign setback to accommodate a permitted ground-mounted sign, provided that no part of the sign shall may be permitted to encroach into or over the public right-of-way or otherwise create an unsafe condition for passing motorists (see section 30-1(b)); or~~

b2. ~~approve a ground-mounted sign to be located in the side yard next to the building but at a higher height than normally permitted, provided that the sign shall not is the minimum height necessary to sufficiently convey a message about the owner or occupants of the property, the commodities, products or services available on the property, or the business activities conducted on such property (see section 30-1(e)(4)); and does not exceed 30 feet in height.~~

(e) Other land development regulations - TCE Sub-district. All other land development regulations for the TCE Sub-district are the same as for the underlying zoning district of the existing contiguous TC Sub-district, ~~except that the reductions in property development regulations set forth for the TC Sub-district as a result of a governmental right-of-way acquisition program, do not apply within the TCE Sub-district.~~

~~(h) Appeals.~~ Appeals from any decision of the zoning director shall be in accordance with the procedures for appeals of administrative decisions as set forth in this chapter.

Sec. 34-1094 - 34.1110. Reserved.

Subdivision III. ~~Pondella Road Overlay District~~ The Fort Myers Shores Redevelopment Overlay District

Sec. 34-1111. Purpose and intent of subdivision.

~~(a) The purpose and intent of this subdivision is to provide a method by which relief from certain zoning, development and sign regulations can be administratively approved for properties located within the Pondella Road corridor, more specifically described in section 34-1112, which have been, or will be, adversely affected when the road is widened. The irregular shape and size of the properties resulting from the widening of Pondella Road creates a hardship in the development and improvement of the property fronting Pondella Road, including but not limited to meeting ground-mounted sign setback regulations, meeting off-street parking requirements, and meeting open space and buffering requirements.~~

~~(b) This district is an overlay district in that it provides regulations and restrictions in addition to, or specifically modifies, the regulations and restrictions set forth in this chapter for conventional zoning districts in which the property is located, chapter 40, pertaining to development standards, and chapter 90, pertaining to signs.~~

(a) Purpose and affected area. The Fort Myers Shores Redevelopment Overlay District (District) is designed to stimulate the revitalization of that part of the SR 80 corridor from the I-75 interchange easterly to approximately 350 feet east of Buckingham Road, a distance of approximately four miles. A legal description of the District's boundary is set forth in Appendix I. The District is comprised of the following sub-districts:

- (1) Fort Myers Shores Corridor (FMSC) Sub-district; and
- (2) Fort Myers Shores Corridor Expansion (FMSCE) Sub-district.

(b) Optional nature of these regulations. Individual landowners may choose to follow all existing Lee County regulations when they build or rebuild, or at solely their option, they may elect to develop or redevelop under the applicable provisions of this District. However, once a landowner elect to use any of the modified development regulations of the District on a particular parcel, then the landowner must comply with all of the applicable requirements of the District for that property. A landowner's election to redevelop or develop under the applicable District provisions must follow the procedure set forth in section 34-1082 (a) to become effective.

(c) Planned development zoning.

- (1) Property previously zoned planned development district will not be eligible to participate in the District through the Administrative Approval process for redevelopment overlay districts. Instead, amendments to their existing approvals will follow the planned development amendment process.
- (2) Notwithstanding the above, new planned developments electing to participate in the redevelopment overlay district may be approved as part of the District, so long as the uses requested as part of the planned development are included in Table 1, below, and requisite approvals are obtained.

(d) Authority. This District is consistent with and helps to implement the adopted component redevelopment plan for SR 80. This redevelopment overlay district complies with all requirements for such districts found in section 34-1080 through 34-1090.

Sec. 34-1112. Applicability of subdivision Elements of the redevelopment overlay district.

~~The provisions of this subdivision apply only to those properties which physically abut or front upon Pondella Road from Pine Island Road (SR 78) to U.S. 41.~~

This District includes two distinct elements. The first is the master site plan that modifies specified land development regulations, and authorizes changes in the uses or type of approval required for a use in the FMSC and FMSCE Sub-districts, as set forth in section 34-1093(b). The second element is a set of design guidelines adopted by administrative code that includes recommendations regarding landscape materials, commercial storefronts, signage and preferred colors. The design guidelines enable private landowners to construct new buildings, or to rehabilitate existing buildings and other facilities, consistent with the specified guidelines, and also encourage proper maintenance. Combined, the two elements help to facilitate the redevelopment of the District in a manner consistent with the SR 80 CRA component plan.

~~Sec. 34-1113. Conflicting provisions:~~

~~Whenever the requirements or provisions of this subdivision are in conflict with the requirements or provisions of any other lawfully adopted ordinance, the requirements adopted in this subdivision shall apply for any property located within the Pondella Road corridor described in this subdivision.~~

Sec. 34-11143. Modification of property Modified land development regulations, master site plan.

The District Master Site Plan (Plan or MSP) contains graphic and textual aspects that modify the following specified land development regulations. All other Lee County land development regulations remain in full effect. A reduced copy of the Fort Myers Shores MSP is adopted by reference and included in reduced form in Appendix 1. In general, the FMSC Sub-district retains the uses allowed in the underlying zoning districts. The FMSCE Sub-district alters the uses from those of the underlying zoning district to allow those uses set forth in Table 1, below. In addition, the type of approval required for certain uses has been modified, as also set forth in Table 1.

(a) *Planning criteria and conditions for the FMSCE Sub-district.* No use set forth in Table 1 for the FMSCE Sub-district can be approved unless the following planning criteria and conditions are found to exist by the director or the hearing examiner, as applicable:

- (1) the property to be developed is under unified control, and is abutting land within the FMSC Sub-district or abutting lands previously approved for development in the FMSCE Sub-district under these provisions;
- (2) there must be a unified plan of development shown on a Master Development Plan submitted with the development request;
- (3) vehicular access to the proposed development request area is not allowed through a less intense or residential area;
- (4) landscaping and buffering is provided consistent with existing regulations in section 10-416, except that:
 - a. any reduced landscaping or buffering provisions of the District may not be utilized; and
 - b. if the property to be developed abuts First Street, a buffer which conforms to section 10-416(d) must be provided along the street; and
- (5) the property to be developed or redeveloped must comply with all of the requirements of Chapter 10, without variances thereto.

(b) *Land development regulations - land uses.* Development requests electing to apply the land development regulations of the District are processed as administrative approvals pursuant to section 34-1082(d), subject to the following:

- (1) The uses allowed within the FMSC Sub-district are those in effect for the underlying zoning district(s) at the time a legally sufficient development request is submitted.
- (2) Regardless of the uses allowed in an existing underlying zoning district(s), the only uses allowable in the FMSCE Sub-district are those set forth in Table 1 at the time a development request is deemed legally sufficient. Land uses that are not expressly included in Table 1 may be permitted by the director only if they are no more intense than the most similar listed use, considering impacts such

as noise, hours of operation, traffic generation, compatibility with the purposes of this overlay district and similar factors, and any required approvals are obtained.

(c) *Use of Table 1.* The following abbreviated terms have the meaning stated and apply to Table 1 and its explanatory notes: the letter "SE" means a use only permitted by a special exception approved pursuant to section 34-145(c), approval under section 34-1082(d)(1)a is required as well; and the letter "P" means a use is permitted subject to approval by the director pursuant to section 34-1082.

TABLE 1
LAND USES IN THE FMSCE SUB-DISTRICT

Land Uses	Special Notes or Regulations	FMSCE
Accessory Apartment		P
Administrative offices		P
ATM (automatic teller machine)		SE
Banks and financial establishments, Group I (34-622(c)(3)):		SE
Bed-and-breakfast establishments		SE
Business services (34-622(c)(5)), Group I		SE
Clubs, Private:	34-2111	SE
Cultural facilities (34-622(c)(10))		SE
Day care center, adult, child		SE
Dwelling unit: Multiple family units	Note A	SE
Entrance gates and gatehouse	34-1749	P
Essential services	34-1611 <i>et seq.</i>	P
Essential service facilities (34-622(c)(13)):		
Group I	34-1611 <i>et seq.</i>	P
Group II	34-1611 <i>et seq.</i>	SE
Excavation, Water retention	34-1651 <i>et seq.</i>	P
Food and beverage service, limited		SE
Hobby, toy, game shops (34-622(c)(21))		SE
Home occupation (With or without outside help)	34-1771 <i>et seq.</i> Note B	P
Medical office		SE
Parks (34-622(c)(32)) Group I		P
Parking lot, Accessory	34-3049	P
Personal services (34-622(c)(33)), Groups I and II		SE

Land Uses	Special Notes or Regulations	FMSCE
Place of worship	34-2051	P
Recreational facilities: Commercial (34-622(c)(38)), Groups I & III: Personal Private- onsite Private - offsite		SE P SE SE
Residential Accessory Uses		P
Restaurants (34-622(c)(43)): Group I and II Group III Outdoor Seating	Note C	SE SE SE
Schools, commercial (34-622(c)(45))	34-2381	SE
Signs in accordance with chapter 30	Note D	P
Specialty retail shop (34-622(c)(47)), Groups I & II		SE
Storage, Indoor only	34-3001 <i>et seq.</i>	SE
Temporary uses	34-3041 <i>et seq.</i>	P
NOTES: A. Permitted only when located as a secondary use within a commercial building. B. Limited to one employee who is not a resident of the dwelling unit without the need for special conditions required in section 34-1772(c). C. No outdoor speakers or amplified sound may be used unless approved by Special Exception. D. As modified by section 34-1093(d)(7)		

(d) Property development regulations - FMSC Sub-district. The director may administratively approve modifications to the property development regulations, ground-mounted sign regulations, off-street parking requirements, open space and buffering requirements set forth for the underlying zoning district for those properties in the FMSC Sub-district that physically abut or front upon State Road 80 from the Interstate 75 interchange to Buckingham Road, so long as the requirements below are met. All other properties within the FMSC Sub-district are subject to the land development regulations applicable to the underlying zoning district in effect at the time a legally sufficient development request is submitted.

(1) Property development regulations:

- (a). ~~Minimum lot dimensions~~ Lot requirements. ~~Reduction of the mMinimum lot dimension depth or area requirements set forth for in the property development regulations for the zoning district(s) in which the an eligible property is located may be administratively reduced approved for property located within the State Road 80 corridor by the zoning director as follows:~~

1. The zoning director may approve a use of a lawfully existing lot which does not comply with the width or depth or area requirements of the zoning district in which the property is located; as long as the noncompliance was a result of the road right-of-way acquisition program and not otherwise self-created, and the use is permitted in the zoning district. for an existing lot where the need for the reduction resulted from a government road right-of-way acquisition program and was not otherwise self-created, or
 2. The zoning director may approve the creation and use of a new lot even if the lot depth fails to comply with the zoning district regulations, as long as the lot width and area requirements are complied with and the lot is created in accordance with all other applicable regulations to create a new lot with a reduced lot depth if the lot would comply with all lot width and area requirements and the lot is otherwise created in accordance with all other applicable regulations.
- (b). *Setbacks.* The minimum street, side or rear setback requirements set forth in the property development regulations for the underlying zoning district(s) in which the property is located this chapter for street, side or rear setbacks may be reduced by the zoning director as follows:
1. *Existing buildings and structures.* Buildings and structures within the redevelopment overlay district which that are not in compliance with the street setback requirements of this chapter shall be legal section 34-2192 will be considered nonconforming buildings, subject to the provisions of section 34-3203(a) and (b), so long as the non-compliance resulted from a governmental road right-of way acquisition program.
 2. *New buildings and structures.* Any building or structure erected after the effective date of the ordinance from which this subdivision is derived shall be required to January 1, 1999 must comply with all applicable setback development regulations for the underlying zoning district(s) then in effect, provided except that:
 - i. where existing buildings on the abutting properties on both sides of the property in question are located closer to the street right-of-way than required by this chapter; allowed by section 34-2192, the zoning director may allow approve a minimum street setback equal to the average setback of the existing buildings on the two abutting buildings property, or
 - ii. where only one of the abutting lots has been developed an existing building, the zoning director may approve a setback equal to one-half of the sum of the minimum setback for the structure existing building on the abutting lot and the required setback.
- c. *Maximum Minimum lot coverage.* in those zoning districts wherein the property development regulations establish a maximum permitted lot coverage, if the property owner has developed and used part of the right-of-way for parking or other development purposes, the area of the right-of-way so used may be calculated as part of the lot area for determining maximum permitted lot coverage: If a portion of a site's parking or other development was reduced by a government road right-of-way acquisition program, then the site area lost thereby may be calculated as part of the overall lot area when determining maximum permitted lot coverage.
- (2d) *Open space, landscaping and buffering.* The minimum open space, landscaping and buffering required for developments may be modified as follows:
- a. *Lots which that meet or exceed required standards.* Lots which that meet or exceed the minimum area requirements for the underlying zoning district(s) in which the property is located shall be required to must comply with all open space, landscaping and buffer requirements in effect at the time of permit application the development request is deemed legally sufficient.

~~(1) Lots which meet or exceed required standards. Lots which meet the minimum area requirements for the district in which located shall be required to comply with all open space, landscaping and buffer requirements in effect at the time of permit application.~~

b2. ~~Lots which that cannot meet standards.~~ The zoning director may administratively approve modifications to the buffering, open space and landscaping requirements for lots which that cannot meet the area or dimensional requirements of the underlying zoning district(s) in which the property is located due to the road widening where the non-compliance resulted from a governmental right-of-way acquisition program and was not otherwise self-created, as follows:

1a. Buffering. Buffer areas between parking lots and the street right-of-way line may be waived provided that a fence, wall or other acceptable method (e.g. bollards) is used to prevent vehicles from entering the parking lot or parking spaces at other than the site's designated access point. ~~If the property owner would still not be able to develop his property in accordance waiving the buffering requirements would still not allow the property to be developed in compliance with all other applicable regulations, then the zoning director may administratively approve modifications to the open space requirements, as set forth below.~~

2b. Open space. The percentage of open space required by the underlying zoning district(s) may be reduced by up to fifty (50) percent of the required open space. ~~If the property owner would still not be able to develop his property in accordance reducing the open space requirements by fifty (50) percent would still not allow the property to be developed in compliance with all other applicable regulations, then the zoning director may administratively approve modifications to the landscaping requirements, as set forth below.~~

3c. Landscaping. Landscaping requirements may be reduced in proportion to approved modifications to the open space requirements.

(3e) Access. The zoning director, with the concurrence of the county engineer subject to approval of the Florida Department of Transportation, where required, may reduce the access point distance separation requirements to accommodate when the proposed driveway or parking lot accesses, but only if they is designed to provide the only vehicle access to two or more abutting properties,

(4f) Off-Street Parking. ~~The zoning director may modify parking requirements for uses located within the overlay district. Off-street parking is generally required to comply with section 34-2001 et seq. Those requirements assume that patrons of each land use will arrive in a private automobile that will be parked in a private lot on the same premises. It is an important aspect of this sub-district to encourage alternative parking patterns such as off-site or shared parking lots. To allow flexibility in meeting a site's parking requirements, the director may modify them, as follows:~~

a1. Properties meeting certain minimum lot requirements No parking modifications ~~shall~~ may be administratively approved for any use located on a lot or parcel which that meets the minimum lot depth, width and area requirements for the underlying zoning district(s) in which located after the road widening has been completed notwithstanding the effect of a governmental right-of-way acquisition program.

b2. Properties reduced below minimum depth requirements,

1a. The zoning director may administratively ~~approve a reduction in~~ reduce the number of required parking spaces otherwise required in proportion to the amount that the lot was reduced in depth by the road widening any reduction in a parcel's area resulting from a governmental right-of-way acquisition program. For example, if a lot originally 100 feet deep is reduced by 20 feet (one-fifth of the depth) by the road widening project, the zoning director may reduce the parking requirement by one-fifth ~~lost 1000 square feet of area for road right-of-way (ROW) purposes (100 foot frontage by 10 foot depth for new ROW) and the resulting~~

depth was reduced below the minimum for the underlying zoning district(s), then the parking requirements may be reduced by the director up to 6 spaces (1000 square feet divided by 162 square feet, the area of the standard parking space, i.e. 9 feet by 18 feet, which equals 6.17, reduced to the next lower whole number, six) in order to meet the parking requirement. If the parking requirements still can not be met, the director may administratively approve the minimum number of off-site parking spaces necessary to meet the site's parking requirements, so long as:

- i. the site's property owner has entered into a written agreement with the property owner of the off-site parking lot that has been approved by the County Attorney's Office and recorded in the County's public records;
- ii. the furthest parking space in the off-site parking lot is located no more than 300 feet from the property in question; and
- iii. no road or other restrictive barrier exists between the use and the parking lot that would prohibit safe pedestrian travel.

2. To allow flexibility in meeting a site's parking requirements, the director may also administratively approve a development request to allow up to fifty (50%) percent of the required number of parking spaces for any land use in the TC Sub-district to be located off-site, so long as:

- i. a written joint use parking agreement meeting the criteria of section 34-203(e)(7) and acceptable to the County Attorney's Office is recorded in the County's public records; and
- ii. the requirements of sections 34-1089 and 34-2018(b) and (c) are met.

b. The zoning director may administratively approve parking off the site provided the parking lot is located within 300 feet of the property in question and provided further that no road or other restrictive barrier exists between the use and the parking lot which would prohibit safe pedestrian travel:

(5g) Signs. All signs within the FMSC overty Sub-district shall must comply with chapter 30; provided except that where an existing buildings located on the same property are is closer to the right-of-way than the minimum setback normally required by this chapter and therefore make it impossible to locate section 34-2192 as a result of a governmental right-of-way acquisition program such that a ground-mounted sign could not be located between the existing building and the right-of-way and still comply in compliance with chapter 30, then the zoning director may administratively approve one either of the following alternatives:

a1. reduce the required sign setback to accommodate a permitted ground-mounted sign, provided that no part of the sign shall may be permitted to encroach into or over the public right-of-way or otherwise create an unsafe condition for passing motorists (see section 30-1(b)); or

b2. approve a ground-mounted sign to be located in the side yard next to the building but at a higher height than normally permitted, provided that the sign shall not is the minimum height necessary to sufficiently convey a message about the owner or occupants of the property, the commodities, products or services available on the property, or the business activities conducted on such property (see section 30-1(e)(4)); and does not exceed 30 feet in height.

(e) Other land development regulations - FMSCE Sub-district. All other land development regulations for the FMSCE Sub-district are the same as for the underlying zoning district of the existing contiguous FMSC Sub-district, except that the reductions in property development regulations for the FMSC Sub-district as a result of a governmental right-of-way acquisition program, do not apply to the FMSCE Sub-district.

(h) Appeals. Appeals from any decision of the zoning director shall be in accordance with the procedures for appeals of administrative decisions as set forth in this chapter:

Secs. 34-1114 - 34-1121. Reserved.

Subdivision IV. Redevelopment Overlay District The North Tamiami Trail Redevelopment Overlay District

Sec. 34-1122. Purpose and Intent.

(a) Purpose and affected area. The North Tamiami Trail Redevelopment Overlay District (District) is designed to stimulate the revitalization of a portion of the area covered in the North Fort Myers Redevelopment Plan, specifically the property fronting on or abutting the North Tamiami Trail (aka US 41-Business). The district extends from the north terminus of the Edison Bridge to the intersection of the North Tamiami Trail with US 41, a length of 3.8 miles, more or less. A legal description of the District's boundary is set forth in Appendix I. The District is comprised of the following three sub-districts:

- (1) North Tamiami Trail Commercial (NTTC) Sub-district.
- (2) North Tamiami Trail Waterfront (NTTW) Sub-District, and
- (3) North Tamiami Trail Waterfront Expansion (NTTWE) Sub-District.

(b) Optional nature of these regulations. Individual landowners may choose to follow all existing Lee County regulations when they build or rebuild, or at solely their option, they may elect to develop or redevelop under the applicable provisions of this District. However, once a landowner elects to use any of the modified development regulations of the District on a particular parcel, then the landowner must comply with all of the applicable requirements of the District for that property. A landowner's election to redevelop or develop under the applicable District provisions must follow the procedure set forth in section 34-1082 (a) to become effective.

(c) Planned development zoning.

- (1) Property previously zoned planned development district will not be eligible to participate in the District through the Administrative Approval process for redevelopment overlay districts. Instead, amendment(s) to their existing approvals will follow the planned development amendment process.
- (2) Notwithstanding the above, new planned developments electing to participate in the redevelopment overlay district may be approved as part of the District, so long as the uses requested as part of the planned development are included in Table 1, below, and requisite approvals are obtained.
- (3) Within the NTTW Sub-District, new development is exempted from section 34-341.

(d) Authority. The District is consistent with, and helps to implement, the adopted component redevelopment plan for North Fort Myers. This redevelopment overlay district complies with all requirements for such districts found in sections 34-1080 through 34-1090.

Sec. 34-1123. Elements of the redevelopment overlay district.

This District includes two distinct elements. The first is the master site plan that modifies specified land development regulations, and authorizes changes in the uses or type of approval required for a use allowed in the NTTW and NTTWE sub-districts, as set forth in section 34-1124(b). The second element is a set of design guidelines adopted by administrative code. The design guidelines encourage improvement of the visual character of the North Tamiami Trail as a unified district, and include recommendations regarding landscape

materials, commercial storefronts, signage, and preferred colors. The design guidelines enable private landowners to construct new buildings, or to rehabilitate existing buildings and other facilities, consistent with the specified guidelines, and also encourage proper maintenance. Combined, the two elements help to facilitate the redevelopment of the District in a manner consistent with the North Fort Myers CBA component plan.

Sec. 34-1124. Modified land development regulations, master site plan.

The District Master Site Plan (Plan or MSP) contains graphic and textual aspects that modify the following specified land development regulations. All other Lee County land development regulations remain in full effect. A reduced copy of the North Tamiami Trail MSP is adopted by reference and included in reduced form as Appendix I. In general, the NTTC Sub-district retains the uses allowed in the underlying zoning districts. The NTTW and NTTWE Sub-Districts alter the uses from those of the underlying zoning districts to allow those uses set forth in Table 1, below. In addition, the type of approval required for certain uses has been modified, as also set forth in Table 1.

(a) *Planning criteria and conditions for the NTTWE Sub-district.* No use set forth in Table 1 for the NTTWE Sub-district can be approved unless the following planning criteria and conditions are found to exist by the director or the hearing examiner, as applicable:

- (1) the property to be developed is under unified control, and is abutting land within the NTTW or NTTC Sub-districts or abutting lands previously approved for development in the NTTWE Sub-district under these provisions;
- (2) there must be a unified plan of development shown on a Master Development Plan submitted with the development request;
- (3) vehicular access to the proposed development request area is not allowed through a less intense or residential area;
- (4) landscaping and buffering is provided consistent with existing regulations in section 10-416. Any reduced landscaping or buffering provisions of the District may not be utilized;
- (5) land within 150 feet of the mean high water line of the Caloosahatchee River must be utilized for water dependent uses or uses that enhance water dependent uses (i.e. restaurants, bait and tackle shops, etc.); and
- (6) the property to be developed or redeveloped must comply with all of the requirements of Chapter 10, without variances thereto.

(b) *Land development regulations-land uses.* Development requests electing to apply the land development regulations of the District are processed as administrative approvals pursuant to section 34-1082(d), subject to the following:

- (1) The uses permitted within the NTTC Sub-district are those in effect for the underlying zoning district(s) at the time a legally sufficient development request is submitted.
- (2) Regardless of the uses allowed in an existing underlying zoning district(s), the only uses allowed in the NTTW and NTTWE Sub-district are those set forth in Table 1 at the time a development request is deemed legally sufficient. Land uses that are not expressly included in Table 1 may be permitted by the director only if they are no more intense than the most similar listed use, considering impacts such as noise, hours of operation, traffic generation, compatibility with the purposes of this overlay district and similar factors, and any required approvals are obtained.

(c) Use of Table 1. The following abbreviated terms have the meaning stated and apply to Table 1 and its explanatory lettered notes: the letter "SE" means a use only permitted by a special exception approved pursuant to section 34-145 (c), approval under section 34-1082 (d)(1)a is required as well; and the letter "P" means a use is permitted subject to approval by the Director pursuant to section 34-1082 (d).

TABLE 1
LAND USES IN NTTW AND NTTWE SUB-DISTRICTS

Land Uses	Special Notes or Regulations	NTTW	NTTWE
Accessory Apartment	34-1177	P	P
Administrative Offices		P	P
Aircraft landing facilities, private.	34-1231 <i>et seq.</i>		
Helistop		SE	SE
Seaplane Base		SE	SE
ATM (automatic teller machine)		P	SE
Bait and tackle shop		P	SE
Banks and financial establishment, Group I (34-622(c)(3))		P	SE
Bar or cocktail lounge	34-1261 <i>et seq.</i>	P	SE
Bed and breakfast establishments		P	SE
Boats:	34-1352		
Boat parts store		P	SE
Boat rental		P	SE
Boat repair and service		P	SE
Boat sales		P	SE
Boat storage, dry, (all heights)		P	SE
Business Services, Group I (34-622(c)(5))		P	SE
Clubs, Private		P	SE
Commercial fishery (landing only, no processing)		P	SE
Communication towers	34-1441 <i>et seq.</i>		
100 ft. or less in height		P	SE
Over 100 ft. in height		SE	SE
Consumption on premises	34-1261 <i>et seq.</i>	P	SE
Cultural facilities (34-622(c)(10))		P	SE
Docking or mooring facilities		P	SE
Drive-through facility for any permitted use		P	SE
Dwelling unit: Multiple-family units	Note A	P	SE
Essential services	34-1611 <i>et seq.</i>	P	P
Essential service fac. (34-622(c)(13)):	34-1611 <i>et seq.</i>		
Group I		P	P
Group II		SE	SE
Excavation, Water Retention	34-1651(b)	P	P
Fish house, wholesale, retail		P	SE
Food and beverage service, limited		P	SE

<u>Land Uses</u>	<u>Special Notes or Regulations</u>	<u>NTTW</u>	<u>NTTWE</u>
Food stores, Group I (34-622(c)(16))		P	SE
Freight and cargo handling establishments (34-622(c)(17))	Note B	SE	SE
Gift and souvenir shop		P	SE
Hobby, toy, game shops (34-622(c)(21))		P	SE
Home occupation (with or without outside help)	34-1771 <i>et seq.</i> Note C	P	P
Hotel/motel	34-1801 <i>et seq.</i>	P	SE
Laundry or dry cleaning, Group I (34-622(c)(24)) (only when clearly subordinate and accessory to an approved marina)		P	SE
Marina	34-1862	P	SE
Model Unit	34-1951 <i>et seq.</i>	P	P
Multiple slip docking facility		P	SE
Offices, marine-oriented	Note D	P	SE
Package store	34-1261 <i>et seq.</i>	P	SE
Parks (34-622(c)(32)) Group I Group II (limited to boat ramps & nature trails)		P SE	P SE
Parking lot: Accessory Commercial Temporary		P SE P	P SE SE
Personal services (34-622(c)(33)): Groups I & II, (only when accessory to a marina or hotel).		P	SE
Places of worship	34-2051 <i>et seq.</i>	P	P
Recreation Commercial, Groups I & III ((34-622(c)(38)) Personal Private, On-site Private, Off-site		P P P P	SE P SE SE
Rental/leasing establishments, Group I (34-622(c)(39))	34-1352, 34-3001 <i>et seq.</i>	P	SE
Residential accessory uses (34-622(c)(42))		P	P
Restaurants (34-622(c)(43)): Groups I & II Group III Outdoor Seating	Note E	P SE P	SE SE SE
Sale of fuel or lubricants, marine		P	SE
Sanitary facilities for marina patrons such as restrooms and showers and pump-out facilities for onboard sanitation.		P	SE

<u>Land Uses</u>	<u>Special Notes or Regulations</u>	<u>NTTW</u>	<u>NTTWE</u>
<u>Schools, commercial (34-622(c)(45))</u> <u>(limited to marine-oriented schools such as sailing).</u>	<u>34-2381</u>	<u>P</u>	<u>SE</u>
<u>Signs, in accordance with chapter 30</u>	<u>Note F</u>	<u>P</u>	<u>P</u>
<u>Specialty retail shop, Groups I & II (34-622(c)(47))</u>		<u>P</u>	<u>SE</u>
<u>Storage, indoor</u>	<u>34-3001 et seq.</u>	<u>P</u>	<u>SE</u>
<u>Temporary uses</u>	<u>34-3041 et seq.</u>	<u>P</u>	<u>P</u>
<u>Transportation services, Group I (34-622(c)(53))</u>		<u>P</u>	<u>SE</u>
<u>Time share units</u>		<u>P</u>	<u>SE</u>
<u>Vehicle & equipment dealers, Group III (34-622(c)(55))</u>	<u>34-1352</u>	<u>P</u>	<u>SE</u>

NOTES:

- A. Permitted only when located as a secondary use within a commercial building.
- B. Limited to minor operations accessory to an approved or existing seaplane facility.
- C. Limited to one employee who is not a resident of the dwelling unit without need for special conditions required in Sec. 34-1772(c).
- D. Limited to the U.S. Coast Guard, Army Corps of Engineers, state department of environmental protection, the marine patrol, and other marine-oriented County facilities.
- E. No outdoor speakers or amplified sound may be used unless approved by Special Exception.
- F. As modified by section 34-1124 (d)(5).

(d) Other land development regulations - NTTC Sub-district - The director may administratively approve modifications to the property development regulations, ground-mounted sign regulations, off-street parking requirements, and open space and buffering requirements set forth for the underlying zoning district(s) for those properties in the NTTC Sub-district that physically abut or front upon North Tamiami Trail (U.S. 41-Business), so long as the requirements below are met. All other properties within the NTTC Sub-district are subject to the land development regulations applicable to the underlying zoning district in effect at the time a legally sufficient development request is submitted.

(1) Property development regulations:

- a. Lot requirements. Minimum lot dimension or area requirements for the zoning district(s) in which an eligible property is located may be administratively reduced by the director, as follows:
 - 1. for an existing lot of record where the need for the reduction resulted from a governmental road right-of-way acquisition program and was not otherwise self-created, or
 - 2. to create a new lot with a reduced lot depth if the lot would comply with all lot width and area requirements and the lot is otherwise created in accordance with all other applicable regulations.
- b. Setbacks. The minimum street, side, or rear setback requirements set forth in the property development regulations for the zoning district(s) in which the property is located may be reduced by the director as follows:
 - 1. Existing buildings and structures. Buildings and structures that are not in compliance with the street setback requirements of section 34-2192 will be considered nonconforming, subject to the provisions of section 34-3203(a) and (b), so long as the non-compliance resulted from a governmental road right-of-way acquisition program.

2. New buildings and structures. Any building or structure erected after January 1, 1999 must comply with all applicable setbacks development regulations for the underlying zoning district(s) then in effect, except that:
 - i. where existing buildings on the abutting properties on both sides of the property in question are located closer to the street right-of-way than allowed by section 34-2192 the director may approve a minimum street setback equal to the average of the minimum setback of the existing buildings on the abutting properties, or
 - ii. where only one of the abutting lots has an existing building, the director may approve a setback equal to one-half of the sum of the minimum setback for the existing building on the abutting lot and the required setback.
 - c. Maximum lot coverage. If a portion of a site's parking or other development was reduced by a governmental road right-of-way acquisition program, then the site area lost thereby may be calculated as part of the overall lot area when determining maximum permitted lot coverage.
- (2) Open space, landscaping and buffering. The minimum open space, landscaping and buffering required for developments may be modified as follows:
- a. Lots that meet or exceed required standards. Lots that meet or exceed the minimum lot area requirements for the underlying zoning district in which the property is located must comply with all open space, landscaping and buffer requirements in effect at the time the development request is deemed legally sufficient.
 - b. Lots that cannot meet required standards. The director may administratively approve modifications to the buffering, open space and landscaping requirements for lots that cannot meet the area or dimensional requirements (width or depth) of the underlying zoning district(s) in which the property is located where the non-compliance resulted from a governmental right-of-way acquisition program and was not otherwise self-created, as follows:
 1. Buffering. Buffer areas between parking lots and the street right-of-way line may be reduced or waived provided that a fence, wall or other acceptable method (e.g., bollards) is used to prevent vehicles from entering the parking lot or parking spaces at other than the site's designated access point. If waiving the buffering requirement would still not allow the property to be developed in compliance with all other applicable regulations, then the director may administratively approve modifications to the open space requirements, as set forth below.
 2. Open space. The percentage of open space required by the underlying zoning district(s) may be reduced up to fifty percent (50%) percent. If reducing the open space requirement by fifty percent (50%) would still not allow the property to be developed in compliance with all other applicable regulations, then the director may administratively approve modifications to the landscaping requirements, as set forth below.
 3. Landscaping. Landscaping requirements may be reduced in proportion to approved modifications to the open space requirements.
- (3) Access. The director, subject to approval of the Florida Department of Transportation, where required, may reduce the access point distance separation requirements to accommodate driveway or parking lot accesses, but only if they provide the only vehicle access to two or more abutting properties.
- (4) Off-street parking. Off-street parking is generally required to comply with section 34-2011 *et seq.* Those requirements assume that patrons of each land use will arrive in a private automobile that will

be parked in a private lot on the same premises. It is an important aspect of this Sub-district to encourage alternative parking patterns such as off-site or shared parking lots. To allow flexibility in meeting a site's parking requirements, the director may modify them, as follows:

a. Properties meeting certain minimum lot requirements. No parking modifications may be administratively approved for any use located on a lot or parcel that meets the minimum lot depth, width, and area requirements for the underlying zoning district(s) in which located, notwithstanding the effect of a governmental right-of-way acquisition program.

b. Properties reduced below minimum depth requirements.

1. The director may administratively reduce the number of parking spaces otherwise required in proportion to any reduction in a parcel's area resulting from a governmental right-of-way acquisition program. For example, if a lot lost 1000 square feet of area for road right-of-way (ROW) purposes (100 foot frontage by 10 foot depth for new road ROW) and the resulting depth was reduced below the minimum for the underlying zoning district(s), then the parking requirement may be reduced by the director up to 6 spaces (1000 square feet divided by 162 square feet, the area of a standard parking space, i.e., 9 feet by 18 feet, which equals 6.17, reduced to the next lower whole number, six) in order to meet the parking requirement. If the parking requirements still can not be met, the director may administratively approve the minimum number of off-site parking spaces necessary to meet the site's parking requirements, so long as:

- i. the site's property owner has entered into a written agreement with the property owner of the off-site parking lot that has been approved by the County Attorney's Office and recorded in the County's public records;
- ii. the furthest parking space in the off-site parking lot is located no more than 300 feet from the property in question; and
- iii. no road or other restrictive barrier would exist between the site and the proposed off-site parking that would prohibit safe pedestrian travel.

2. To allow flexibility in meeting a site's parking requirements, the director may also administratively approve a development request to allow up to fifty (50%) percent of the required number of parking spaces for any land use in the NTTC Sub-district to be located off-site, so long as:

- i. a written joint use parking agreement meeting the criteria of section 34-203 (e)(7) and acceptable to the County Attorney's Office is recorded in the County's public records; and
- ii. the requirements of sections 34-1089 and 34-2018(b) and (c), are met.

(5) Signs. All signs within the NTTC Sub-district must comply with chapter 30, except that where an existing building on the property is closer to the road right-of-way than the minimum setback required by section 34-2192 as the result of a governmental right-of-way acquisition program such that a ground-mounted sign could not be located between the existing building and the road right-of-way and still comply with chapter 30, then the director may administratively approve either of the following alternatives:

- a. reduce the required sign setback to accommodate a permitted ground-mounted sign, provided that no part of the sign may encroach into or over the public right-of-way or otherwise create an unsafe condition for passing motorists (see section 30-1 (b)); or
- b. approve a ground-mounted sign to be located in the side yard next to the building at a higher height than normally permitted, provided that the sign is the minimum height necessary to sufficiently convey a message about the owner or occupants of the property, the commodities, products or services available on the property, or the business activities conducted on such property (see section 30-1 (e)(4)), and does not exceed 30 feet in height.

(e) Other land development regulations- NTTW and NTTWE Sub-districts. All other land development regulations for the NTTW and NTTWE Sub-districts are set forth for property development regulations in Table 2, below. Off-street parking is addressed in sub-section (f), below. Additionally, property in the NTTW Sub-district that physically abuts or fronts upon North Tamiami Trail (U.S. 41- Business) is entitled to request and be administratively approved for any and all of the provisions set forth in sub-section (d), above. Property located in the NTTWE Sub-district must comply with the criteria and conditions of sub-section (a)(1) - (6), above, in addition to those of Table 2. Except where specifically noted, the terminology and special regulations found in Table 2 have the same meaning and effect as they do throughout this Chapter. All other land development regulations applicable to the underlying zoning district(s) and development request will continue to have their same force and effect.

TABLE 2
NTTW AND NTTWE PROPERTY DEVELOPMENT REGULATIONS

	<i>Special Notes or Regulations</i>	<i>NTTW & NTTWE</i>
<u>Minimum lot area and dimensions:</u>		
<u>Minimum lot size:</u>	<u>34-2221, -2222,</u> <u>& 34-2142</u>	<u>10,000 sq ft</u> <u>5,000 sq ft</u>
<u>Minimum lot width</u>		<u>50 ft.</u>
<u>Minimum lot depth</u>		<u>100 ft.</u>
<u>Minimum building setbacks:</u>	<u>34-2191, -2192,</u> <u>& 34-1174</u>	
<u>Street (from edge of Rt-of-way)</u>		<u>25 ft.</u>
• <u>U.S. 41</u>		<u>25 ft.</u>
• <u>Local</u>		<u>20 ft.</u>
• <u>Private</u>		<u>0 or 15 ft.</u>
<u>Side yard</u>		<u>20 ft.</u>
<u>Rear yard</u>		<u>25 ft.</u>
<u>Caloosahatchee River</u>		<u>0 ft.</u>
<u>Man-made water body</u>		<u>0 ft or 20 ft</u>
<u>Minimum Building Separation</u>		
<u>Accessory Uses- minimum setbacks:</u>		
• <u>Street</u>	<u>Same as for principal structures</u>	
• <u>Side and Rear Lot lines</u>		
• <u>Water body</u>		
<u>Maximum height (feet)</u>	<u>34-2171 et seq.</u>	<u>35 ft.</u>
<u>Maximum lot coverage</u>		<u>60%</u>
<u>Notes: (N.B. Any notes for special regulations in Chapter 34 referenced in Table 2 must also be met)</u> <u>1. Property located in the NTTWE Sub-district must comply with the criteria and conditions of sub-section 34-1442(a)(1) - (5).</u> <u>2. Limited to docks, non-roofed boardwalks and decks, with public access.</u>		

(f) Joint use parking. Off-street parking is generally required to comply with section 34-2011, *et seq.* Those requirements assume that patrons of each land use will arrive in a private automobile that will be parked in a private lot on the same premises. It is an important aspect of the NTTW and NTTWE Sub-districts to encourage alternative parking patterns such as off-site or shared parking lots. To allow flexibility in meeting a site's parking requirements, the director may administratively approve a development request to allow up to fifty (50%) percent of the required number of parking spaces for any land use in the NTTW or NTTWE Sub-district to be located off-site, so long as:

(1) a written joint use parking agreement meeting the criteria of section 34-203 (e)(7) and acceptable to the County Attorney's Office is recorded in the County's public records; and

(2) the requirements of sections 34-1089 and 34-2018(b) and (c), are met.

Subdivision V. The Bonita Town Center Springs Redevelopment Overlay District

Sec. 34-1133. Purpose and Intent.

(a) *Purpose and affected area.* This redevelopment overlay district is designed to stimulate the revitalization of the original commercial district in Bonita Springs. This district is known as the Bonita Springs Town Center Redevelopment Overlay District (District) and encompasses five city blocks lying on each side of Old 41 between the Imperial River and Abernathy Street the following sub-districts:

(1) the Bonita Town Center (BTC)-comprised of two areas:

a. the Primary Walking Zone (PWZ); and

b. all other areas

(2) the Old U.S. 41 Corridor-North (Old 41-N); and

(3) the Old U.S. 41 Corridor-South (Old 41-S).

A legal description of the District's boundaries is set forth in section 34-1139 Appendix I.

(b) *Scope.* The revitalization of the Bonita Springs Town Center Redevelopment Overlay District will include the renovation and re-use of existing buildings and the construction of new buildings. It will also include the installation of public works including parks, sidewalks, changes in vehicular circulation, public and shared parking, and other street scape improvements in the Bonita Town Center Sub-District.

(c) *Optional nature of these regulations.* Individual landowners may choose to build or rebuild in full compliance with the provisions of this redevelopment overlay district, or may choose to follow all existing Lee County regulations. However, should a landowner elect to use any of the modified development regulations in section 34-1137 below, he or she must comply with all of the requirements of this redevelopment overlay district on that property and the requirements of section 34-1082(d), as applicable.

(d) *Authority.* The Bonita Springs Town Center Redevelopment Overlay District lies at the heart of the Bonita Springs community redevelopment area. This redevelopment overlay district is consistent with and helps to implement the adopted component redevelopment plan for Bonita Springs. This redevelopment overlay district also complies with all requirements for such districts found in section 34-1122 1080 through 34-1132 1090 of the Lee County Land Development Code.

Sec. 34-1134. Elements of the redevelopment overlay district.

This redevelopment overlay district includes two distinct elements. The first element is includes the master plans for the Bonita Town Center Sub-district and the District overall, and their proposed design guidelines itself (section 34-1135), which depicts the desired redevelopment plan for the Bonita Springs Town Center including public and private improvements. The second element is a set of modified land development regulations (section 34-1137) which enable and encourage private landowners to rehabilitate existing buildings or construct new buildings throughout the redevelopment overlay district. Both elements of the redevelopment overlay district are needed to ensure the redevelopment of the town center in the historic style as shown in the master plan, and the overall development of the District in a coherent manner.

Sec. 34-1135. The master plans.

The master plans for the Bonita Springs Town Center Redevelopment Overlay District contains three separate components as described in the following subsections.

- (1) Bonita Springs Redevelopment Overlay District. A reduced copy of the master plan for the Bonita Springs Redevelopment Overlay District is included in Appendix I.
- (2) Plans for Bonita Springs Town Center Sub-district.
 - (1)a *Master site plan.* A reduced copy of the master site plan for the Bonita Springs Town Center is included in Appendix I. ~~Full-sized copies of this drawing are available from the Lee County Community Redevelopment Agency in downtown Fort Myers.~~
 - (2)b *Water management master plan.* A reduced copy of the water management master plan for the Bonita Springs Town Center is included in Appendix I and discussed in section 34-1137(i) below. Full-sized copies of this drawing and the remainder of the plan are available from the Lee County Community Redevelopment Agency in downtown Fort Myers.
- (c3) *Design guidelines.* Design guidelines for the Bonita Springs Town Center Sub-district and Redevelopment Overlay District overall are being adopted by administrative code. These guidelines provide technical and design assistance for exterior commercial building renovations and new construction. They are designed to encourage owners and tenants to preserve and improve the unique character and historic significance of the town center area, and to stimulate creative design solutions while promoting a sense of relatedness among properties. These guidelines are not regulations that control land-use decisions, and they contain no mandatory review process. They are designed simply to encourage the proper maintenance and improvement of the visual character of the Bonita Springs Town Center Redevelopment Overlay District as a pedestrian-oriented retail and community center.

Sec. 34-1136. Limitations on approvals.

(a) *Record-keeping.* ~~The staff of the Lee County Community Redevelopment Agency shall~~ will maintain detailed records of development and redevelopment that is approved using the modified land development regulations in section 34-1137 below. These records ~~shall~~ must include cumulative totals of square footage of new commercial space and the resulting number of parking spaces (both the number required by general Lee County regulations and the number actually being provided by those developing and redeveloping land in the Bonita Springs Town Center).

(b) *New development prior to public improvements.* The Community Redevelopment Agency is planning major public improvements in the Bonita Springs Town Center that will include substantial on-street parking areas and a core surface water management system. The exact timing of these improvements will depend on several factors including available revenue as well as the level of demand for these facilities caused by actual development activity in the town center. If actual development activity recorded pursuant to section 34-1136(a) exceeds a cumulative total of 25,000 square feet of commercial space or a reduction of 100 parking spaces below general Lee County regulations prior to the letting of contracts to construct on-street parking and the core surface water management system, then the Community Redevelopment Agency ~~shall~~ must immediately undertake an analysis of actual demand for these public facilities in the Bonita Springs Town Center. The results of this analysis ~~shall~~ will be presented to the Board of County Commissioners, which ~~shall~~ will decide whether to initiate the public improvements or to repeal or modify these redevelopment overlay regulations so that adequate public facilities will be available when needed by new development. However, this provision ~~shall~~ will not be interpreted to supersede the general concurrency requirements of chapter 2 of the Land Development Code.

Sec. 34-1137. Modified land development regulations.

(a) *Optional nature of this section.* All landowners in the Bonita Springs ~~Town Center Redevelopment Overlay District~~ are encouraged to develop or redevelop their property in conformance with the overall master plan and the detailed design guidelines found in section 34-1135. Should a landowner choose to avail himself of the modified land development regulations contained here in section 34-1137, then compliance with all applicable portions of the redevelopment overlay district will be mandatory for that property and for any abutting lot(s) or adjacent building(s) under the same ownership or control, for a period of ten years. Nothing in this ordinance ~~shall~~ requires any landowner to participate in any of its provisions unless that landowner elects to do so. A landowner's decision to use these regulations ~~shall~~ must be made in writing on a form supplied by Lee County. This form ~~shall~~ acknowledges that this decision runs with the land for the stated period. Lee County ~~shall~~ will record this form in its official record books.

(b) *Modified development regulations.* The remainder of the provisions of this ordinance assume that a landowner in the Bonita Springs ~~Town Center Redevelopment Overlay District~~ has elected in writing to comply in full with this redevelopment overlay district. All Lee County regulations ~~shall~~ will remain in effect except as explicitly modified through this ordinance.

(c) *Permitted uses.* The permitted uses of land are normally determined by its zoning classification. ~~At present, six blocks within this district are zoned G-1; two blocks are zoned MH-2; and two blocks are zoned TFO-2. The uses permitted for parcels within the Old 41-N and Old 41-S Sub-districts are those uses allowed in their underlying zoning districts within each area.~~ Regardless of these underlying zoning classifications in the Bonita Springs Town Center Sub-district including the "PWZ" and the BTO "All Other" areas, the permitted uses of land in this redevelopment overlay district must be in accordance with Table 1. The land uses permitted in the C-1 zone throughout Lee County as of August 16, 1995 as amended, are shown on Table 1 for informational purposes only. The table then shows those specific uses permitted in the Bonita Springs Town Center Sub-district on the ground floor (or outdoors) and facing the primary walking zone (facing the rights-of-way of Old 41, Reynolds St., and Childers St. and extending 60 feet back from each right-of-way). In the last column, the table shows the specific uses permitted in all other portions of the Bonita Springs Town Center. The following apply to the Bonita Springs Town Center Sub-district:

- (1) The terminology and the numbered notes used in this table are the same as contained in Table 34-843 of the Land Development Code, including the letter "P" to indicate a permitted use, "SE" for a use only by special exception, "SP" for a use only by special permit, (now converted to Special Exceptions) "-" for a use that is not permitted in this district, "EO" for existing uses only, "TP" for temporary permit, "AA" for administrative approval, etc. (see section 34-621(b) for details). Terms that are defined in section 34-2 of the Land Development Code are specifically noted in this table.
- (2) Land uses that are not specifically included nor excluded by Table 1 or the Land Development Code may be permitted only if they are no more intense than the most similar listed use, considering impacts such as noise, hours of operation, traffic generation, compatibility with the purposes of this overlay district, and similar factors.
- (3) All land uses are subject to the supplementary district regulations that are found in article VII of chapter 34 of the Land Development Code, except as explicitly modified herein.
- (4) Under no circumstances ~~shall~~ may drive-in or drive-through lanes be provided for any land uses.
- (5) Outdoor restaurant seating is specifically encouraged in the Bonita Springs Town Center. Music or other entertainment for any patrons seated outdoors must not be audible at a distance of 200 feet from the outdoor seating.

- (6) In addition to the land uses shown in Table 1, certain temporary uses such as farmers' markets and portable carts selling food or crafts may be permitted in public parks or on public rights-of-way. These uses of public property are regulated by: Ordinance No. 88-11 (as amended by No. 90-42), which regulates commercial activities on road rights-of-way; Ordinance No. 90-56, which regulates activities in public parks and certain adjoining rights-of-way; and Administrative Code AC-8-1 (formerly known as D-0015), which regulates certain functions held on county property or within the county road system.

TABLE 1

Land Uses	Special Notes or Regulations	Existing C-1 Zoning District	Bonita Springs Town Center	
			Primary Walking Zone	All Other
Accessory apartment	Note (1); 34-1177	P	-	-
Administrative offices (defined term)		P	P	P
Assisted living facility (defined term)		-	-	-
Amusement park, less than ten acres (defined term)		-	-	-
Animals:	34-1321 <i>et seq.</i>			
Clinic (defined term)		P	P	P
Kennel (defined term)		-	-	-
Control center (including humane society)		P	-v	-
ATM (automatic teller machine) (defined term)		P	P	P
Auto parts store: (defined term)				
No installation service		P	P	P
With installation service		P	-	-
Automobile service station (defined term)		P	-	-
Auto repair and service (34-622(c)(2)):				
Group I		P	-	-
Group II		-	-	-
Bait and tackle shop		P	P	P
Banks and financial establishments (34-622(c)(3)):				
Group I		P	P	P
Group II		P	P	P
Bar or cocktail lounge (defined term)	34-1261 <i>et seq.</i>	AA/SP	AA/SP (a) (b)	AA/SP (a) (b)
Bed-and-breakfast establishments		P	P (c)	P (c)
Boarding house (defined term)		P	-	-
Boats: (defined term)	34-1352, 34-3001 <i>et seq.</i>			
Boat parts store (defined term)		P	P	P
Boat rental		P	-	SE (d)
Boat repair and service (defined term)		-	-	-
Boat sales		P	-	-
Boat storage, dry, not exceeding two tiers or 18 feet above natural grade		P	-	-
Boat storage, dry, exceeding two tiers or 18 feet above natural grade		SE	-	-
Broadcast studio, commercial radio and television	34-1441 <i>et seq.</i>	-	-	-
Building materials sales (34-622(c)(4))		-	-	-

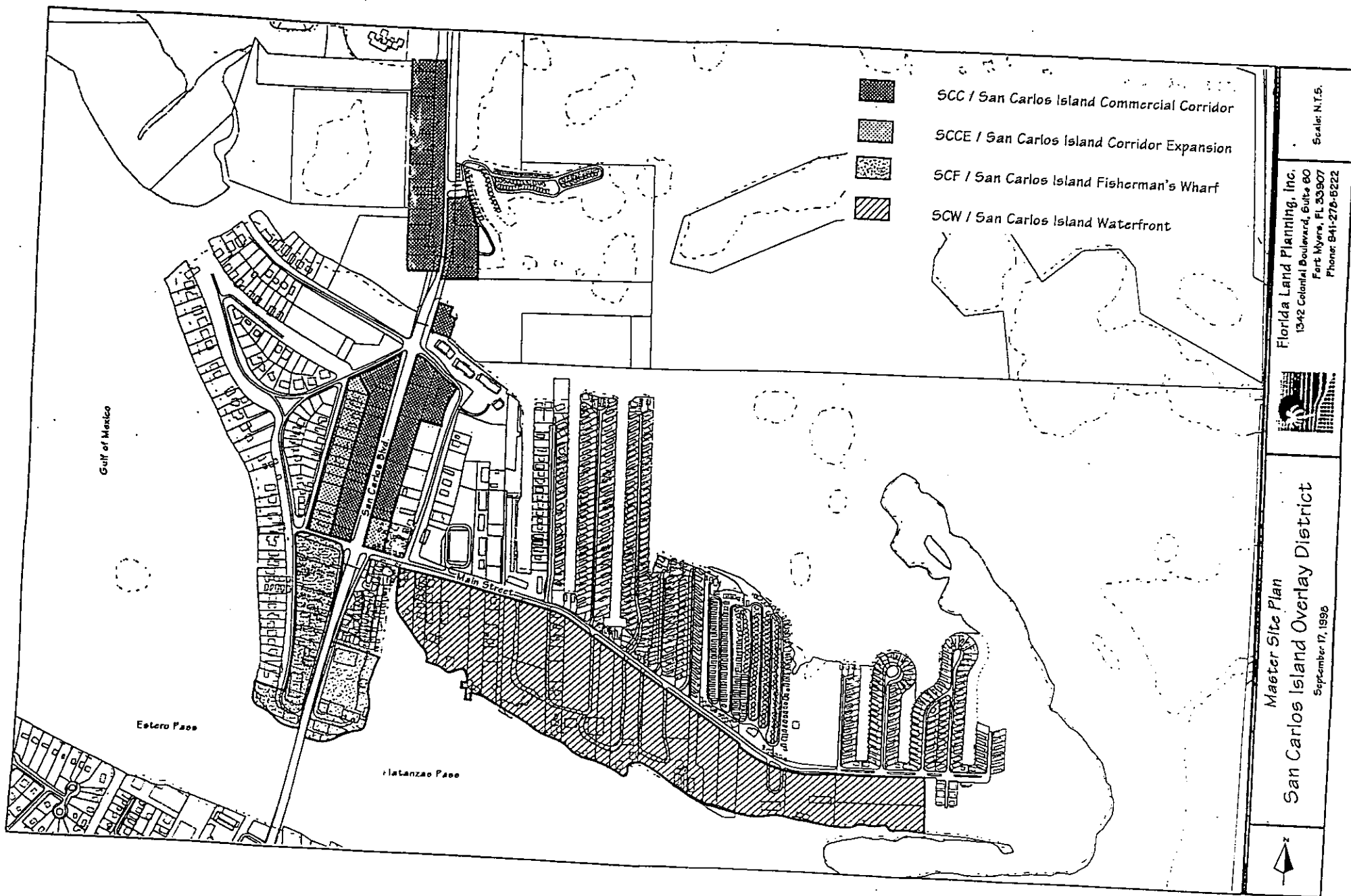
Business services (34-622(c)(5)): Group I Group II		P P	P (e) -	P (e) P
Bus station/depot (defined term)	34-1381 <i>et seq.</i>	-	-	SE (f)
Caretaker's residence		SE	-	P (g)
Car wash (defined term)		P	-	-
Cleaning and maintenance services (34-622(c)(7))		P	P	P
Clothing stores, general (34-622(c)(8))		P	P	P
Clubs: Country (defined term) Commercial (defined term) Fraternal (defined term) Membership organization (defined term) Private (defined term)	34-2111	- - P P -	- EO EO EO EO	- EO EO EO EO
Community residential home (defined term)		P	-	P
Consumption on premises	34-1261 <i>et seq.</i>	AA/SP	AA/SP (a) (b)	AA/SP (a) (b)
Contractors and builders (34-622(c)(9)): Group I Group II Group III		P P -	- - -	P - -
Convenience food and beverage store (defined term)		P	P (h)	P (h)
Cultural facilities (34-622(c)(10))		P	P	P
Day care center, adult, child (defined term)		P	P	P
Department store (defined term)		P	P (i)	P (i)
Dormitory (defined term)		-	-	-
Drive-through facility for any permitted use (defined term)	Note (9)	P	-	-
Drive-in theater (defined term)		-	-	-
Drugstore, pharmacy (defined term)		P	P (i)	P (i)
Dwelling unit: (defined term) Duplex (defined term) Single-family (defined term) Two-family attached (defined term) Townhouse (defined term) Mobile home (defined term) Multiple-family building (defined term)		P P - - - - P	- - - - - -	- P (g) - - - P (g)
Entrance gates and gatehouse (defined term)	34-1749	P	-	-
Emergency medical service (ambulance station)		P	EO	EO
Emergency operations center		P	-	-
Essential services (defined term)	34-1611 <i>et seq.</i>	P	P	P
Essential service facilities (34-622(c)(13)): Group I Group II	34-1611 <i>et seq.</i>	P SE	SE -	SE -

Excavation: Mining Water retention Oil or gas	34-1651 <i>et seq.</i>	- P SP	- P (j) -	- P -
Fire station		P	EO	EO
Flea market: Open (defined term) Indoor (defined term)		- P SE	- P (k) SE	- P (k) SE
Food and beverage service, limited (defined term)		P P P	P (i) - -	P (i) - -
Food stores (34-622(c)(16)): Group I Group II		- P -	- - -	- - -
Forestry tower		P P	P (i)	P (i)
Fraternity house (defined term)		P	-	-
Funeral home or mortuary: No cremation With cremation		- P -	- - -	- - -
Gasoline dispensing system, special (defined term)		P -	- -	- -
Government maintenance facility		-	-	-
Hardware store (defined term)		P	-	-
Health care facility (34-622(c)(20)): Group I Group II Group III Group IV		P P - P	- P (i) - -	- P (i) - -
Heliport or helistop (defined terms)		- P -	- P -	- P -
Hobby, toy, game shops (34-622(c)(21))	34-1231 <i>et seq.</i>	SP	-	SP
Home care facility (defined term)		P	P (i)	P (i)
Home occupation: (defined term) No outside help With outside help	34-1771 <i>et seq.</i>	P P P	- - -	- - -
Hotel/motel:		P AA	- -	P P (i)
Household and office furnishings (34-622(c)(22)): Group I Group II Group III	34-1801 <i>et seq.</i>	P P P	P(m) P P	P P P
Insurance companies (34-622(c)(23))		P P -	P P -	P P -
Laundromat (defined term)		P	P	P
Laundry or dry cleaning (34-622(c)(24)): Group I Group II		P P	- -	- -
Lawn and garden supply store (defined term)	34-2081	P -	P (n) -	P (n) -
Library		P	-	-
Marina (defined term)	34-1862	EO	P	P
		-	-	-

SAN CARLOS ISLAND OVERLAY DISTRICT LEGAL DESCRIPTION

PORTIONS OF SECTIONS 13 AND 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST, AND PORTIONS OF SECTIONS 18 AND 19, TOWNSHIP 46 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE POINT OF INTERSECTION OF THE CENTER LINE OF BUTTONWOOD STREET WITH THE CENTER LINE OF MAIN STREET, THENCE SOUTHEASTERLY AND EASTERLY ALONG THE CENTER LINE OF MAIN STREET TO AN INTERSECTION WITH THE EAST LINE OF GOVERNMENT LOT 3 OF SECTION 19, TOWNSHIP 46 SOUTH, RANGE 24 EAST; THENCE SOUTHERLY ALONG SAID EAST LINE TO AN INTERSECTION WITH THE NORTHERLY CITY LIMIT LINE OF THE CITY OF FORT MYERS BEACH; THENCE WESTERLY, NORTHWESTERLY, WESTERLY, SOUTHERLY, SOUTHWESTERLY, WESTERLY AND NORTHWESTERLY ALONG SAID NORTHERLY CITY LIMIT LINE TO AN INTERSECTION WITH THE NORTHWESTERLY EXTENSION OF THE NORTHERLY LINE OF LOT 2, BLOCK 1 OF SAN CARLOS ON THE GULF, A SUBDIVISION RECORDED IN PLAT BOOK 6 AT PAGE 6 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE SOUTHEASTERLY ALONG SAID NORTHERLY LINE TO AN INTERSECTION WITH THE CENTER LINE OF SAN CARLOS DRIVE; THENCE NORTHERLY ALONG THE CENTER LINE OF SAN CARLOS DRIVE TO AN INTERSECTION WITH THE CENTER LINE OF MAIN STREET; THENCE SOUTHEASTERLY ALONG THE CENTER LINE OF MAIN STREET TO AN INTERSECTION WITH THE CENTER LINE OF SOUTH STREET; THENCE NORTHEASTERLY ALONG THE CENTER LINE OF SOUTH STREET TO AN INTERSECTION WITH THE CENTER LINE OF SAN CARLOS COURT; THENCE NORTHEASTERLY ALONG THE CENTER LINE OF SAN CARLOS COURT TO AN INTERSECTION WITH THE WESTERLY RIGHT OF WAY LINE OF SAN CARLOS BOULEVARD; THENCE NORTHEASTERLY ALONG SAID WESTERLY RIGHT OF WAY LINE TO AN INTERSECTION WITH THE SOUTH LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORD BOOK 1736 AT PAGE 652 OF SAID PUBLIC RECORDS; THENCE WESTERLY ALONG SAID SOUTH LINE TO AN INTERSECTION WITH THE WEST LINE OF SAID PARCEL; THENCE NORTHERLY ALONG SAID WEST LINE TO AN INTERSECTION WITH THE NORTH LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORD BOOK 2166 AT PAGE 3633 OF SAID PUBLIC RECORDS; THENCE EASTERLY ALONG SAID NORTH LINE AND THE EASTERLY EXTENSION THEREOF TO AN INTERSECTION WITH THE EASTERLY RIGHT OF WAY LINE OF SAN CARLOS BOULEVARD; THENCE SOUTHERLY ALONG SAID EASTERLY RIGHT OF WAY LINE TO AN INTERSECTION WITH THE NORTH LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORD BOOK 2055 AT PAGE 1363 OF SAID PUBLIC RECORDS; THENCE EASTERLY ALONG SAID NORTH LINE TO AN INTERSECTION WITH THE EAST LINE OF SAID PARCEL; THENCE SOUTHERLY ALONG SAID EAST LINE TO AN INTERSECTION WITH THE SOUTH LINE OF SAID PARCEL; THENCE WESTERLY ALONG SAID SOUTH LINE TO AN INTERSECTION WITH THE AFOREMENTIONED EASTERLY RIGHT OF WAY LINE OF SAN CARLOS BOULEVARD; THENCE SOUTHWESTERLY ALONG SAID EASTERLY RIGHT OF WAY LINE TO AN INTERSECTION WITH THE NORTHERLY LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORD BOOK 2152 AT PAGE 4275 OF SAID PUBLIC RECORDS; THENCE SOUTHEASTERLY ALONG SAID NORTHERLY LINE TO AN INTERSECTION WITH THE EASTERLY LINE OF SAID PARCEL; THENCE SOUTHWESTERLY, THEN SOUTHEASTERLY AND THEN SOUTHWESTERLY ALONG SAID EASTERLY LINE TO AN INTERSECTION WITH THE SOUTHERLY LINE OF SAID PARCEL; THENCE NORTHWESTERLY ALONG SAID SOUTHERLY LINE TO AN INTERSECTION WITH THE AFOREMENTIONED EASTERLY RIGHT OF WAY LINE OF SAN CARLOS BOULEVARD; THENCE SOUTHWESTERLY ALONG SAID EASTERLY RIGHT OF WAY LINE TO AN INTERSECTION WITH THE CENTER LINE OF BUTTONWOOD STREET; THENCE SOUTHEASTERLY AND THEN SOUTHWESTERLY ALONG THE CENTERLINE OF BUTTONWOOD STREET TO AN INTERSECTION WITH THE CENTER LINE OF MAIN STREET AND THE POINT OF BEGINNING.



Florida Land Planning, Inc.
1342 Colonial Boulevard, Suite 80
Fort Myers, FL 33907
Phone: 841-276-8222



Master Site Plan
San Carlos Island Overlay District
September 17, 1998



Scale: N.T.S.

Marina, ancillary uses (defined term)		EO	-	-
Mass transit depot or maintenance facility (government-operated)		P	-	-
Medical office (defined term)		P	P	P
Mini-warehouse (defined term)		-	-	-
Model: (defined term)	34-1951 <i>et seq.</i>			
Home		P	-	-
Unit		P	-	-
Display center		P	-	-
Multislip docking facility (defined term)		P	-	-
Nonstore retailers (34-622(c)(30)), all groups		P	-	P
Package store (defined term)	34-1261 <i>et seq.</i>	P	P	P
Paint, glass and wallpaper (defined term)		P	P	P
Parks (34-622(c)(32)) Group I		P	EO	P
Parking lot:				
Accessory (defined term)		P	- (o)	P
Commercial (defined term)		SE	-	P
Garage, public parking (defined term)		SE	-	SE
Temporary (defined term)	34-3049 & 34-2022	P	P	P
Personal services (34-622(c)(33)):				
Group I		P	P (n) (p)	P (n) (p)
Group II		P	P (q)	P (q)
Group III		P	-	-
Group IV		P	-	-
Pet services (defined term)		P	P	P
Pet shop (defined term)		P	P	P
Pharmacy (defined term)		P	P	P
Place of worship (defined term)	34-2051	P	EO	P
Plant nursery (defined term)	34-2081	P	-	-
Police or sheriff's station		P	-	P
Pool or billiard halls		P	P	P
Post office		P	P	P
Printing and publishing (34-622(c)(36))		-	-	-
Recreation facilities:				
Commercial (34-622(c)(38)):				
Group I		P	P	P
Group III		P	-	-
Group IV		-	-	P
Personal (defined term)		-	EO	EO
Private--On-site (defined terms)		-	EO	EO
Private--Off-site (defined term)		-	EO	EO
Religious facilities (defined term)	34-2051 <i>et seq.</i>	-	EO	EO

Rental or leasing establishments (34-622(c)(39)):	34-1201 <i>et seq.</i> , 34-1352 & 34-3001 <i>et seq.</i>	P P P -	P P - -	P P - -
Group I				
Group II				
Group III				
Group IV				
Repair shops (34-622(c)(40)):		P P - - -	P P P (k) - -	P P P (k) - -
Group I				
Group II				
Group III				
Group IV				
Group V				
Research and development laboratories (34-622(c)(41)):				
Group II	-	-	-	-
Group IV	-	-	-	-
Residential accessory uses (34-622(c)(42))		P	-	P
Restaurant, fast food (defined term)		P	-	-
Restaurants (34-622(c)(43)): (defined term)				
Group I		P	P	P
Group II		P	P	P
Group III		P	P (r)	P (r)
Group IV		P	P (r)	P (r)
Roadside stand (defined term)	34-1714	TP	TP (s)	TP (s)
Rooming house (defined term)		-	-	-
Schools, commercial (34-622(c)(45))	34-2381	P	P	P
Self-service fuel pumps (defined term)		SE	-	-
Self-service fuel pump station (defined term)		-	-	-
Signs in accordance with chapter 30		P	P (t)	P (t)
Social services (34-622(c)(46)):				
Group I		P	P	P
Group II		-	-	-
Group III		-	-	-
Group IV		-	-	-
Specialty retail shop (34-622(c)(47)):				
Group I		P	P	P
Group II		P	P	P
Group III		P	P	P
Group IV		P	P	P
Storage: (defined terms)	34-3001 <i>et seq.</i>			
Indoor only		P	P	P
Storage, open		P	-	-
Studios (34-622(c)(49))		P	P	P
Supermarket (defined term)		P	P (l)	P (l)
Temporary uses	34-3041 <i>et seq.</i>	P	P	P
Theater:	34-2471 <i>et seq.</i>			
Indoor		-	P	P
Drive-in		-	-	-

Rental or leasing establishments (34-622(c)(39)):	34-1201 <i>et seq.</i> , 34-1352 & 34-3001 <i>et seq.</i>			
Group I		P	P	P
Group II		P	P	P
Group III		P	-	-
Group IV		-	-	-
Repair shops (34-622(c)(40)):				
Group I		P	P	P
Group II		P	P	P
Group III		-	P (k)	P (k)
Group IV		-	-	-
Group V		-	-	-
Research and development laboratories (34-622(c)(41)):				
Group II	-	-	-	-
Group IV	-	-	-	-
Residential accessory uses (34-622(c)(42))		P	-	P
Restaurant, fast food (defined term)		P	-	-
Restaurants (34-622(c)(43)): (defined term)				
Group I		P	P	P
Group II		P	P	P
Group III		P	P (r)	P (r)
Group IV		P	P (r)	P (r)
Roadside stand (defined term)	34-1714	TP	TP (s)	TP (s)
Rooming house (defined term)		-	-	-
Schools, commercial (34-622(c)(45))	34-2381	P	P	P
Self-service fuel pumps (defined term)		SE	-	-
Self-service fuel pump station (defined term)		-	-	-
Signs in accordance with chapter 30		P	P (t)	P (t)
Social services (34-622(c)(46)):				
Group I		P	P	P
Group II		-	-	-
Group III		-	-	-
Group IV		-	-	-
Specialty retail shop (34-622(c)(47)):				
Group I		P	P	P
Group II		P	P	P
Group III		P	P	P
Group IV		P	P	P
Storage: (defined terms)	34-3001 <i>et seq.</i>			
Indoor only		P	P	P
Storage, open		P	-	-
Studios (34-622(c)(49))		P	P	P
Supermarket (defined term)		P	P (l)	P (l)
Temporary uses	34-3041 <i>et seq.</i>	P	P	P
Theater:	34-2471 <i>et seq.</i>			
Indoor		-	P	P
Drive-in		-	-	-

Time-share units (defined term)	34-3071 <i>et seq.</i>	SE	-	SE
Towers, communication, (defined term) only when accessory to a permitted use:	34-1441 <i>et seq.</i>			
100 feet or less in height		-	-	-
Over 100 feet in height		-	-	-
Transportation services (34-622(c)(53)):				
Group I		-	-	P (u)
Group II		-	P	P
Group III		-	-	SE (f)
Group IV		-	-	-
Used merchandise stores (34-622(c)(54)):				
Group I		P	P (k) (v)	P
Group II		P	-	-
Group III		P	-	-
Group IV		-	-	-
Variety store (defined term)		P	P	P
Vehicle and equipment dealers (34-622(c)(55)):	34-1352			
Group I		P	-	-
Group II		P	-	-
Group III		P	-	-
Group IV		P	-	-
Group V		-	-	-
Warehouse:				
Mini-warehouse (defined term)		-	-	-
Private (defined term)		-	-	-
Public (defined term)		-	-	-
Wholesale establishment (34-622(c)(56)):				
Group I		-	-	-
Group II		-	-	-
Group III		P (15)	-	-
Group IV		P (15)	-	-

Original notes from Table 34-843: [reprinted here only when referenced above]

(1) Permitted only when accessory to a lawfully permitted single-family dwelling unit.

(9) Excluding fast food restaurants for which drive-through facilities are permitted by right.

(15) Limited to those commodities and products which are permitted to be sold at retail, provided that parking meets the requirements for retail sales.

Notes applying to the Bonita Springs Town Center Sub-district only:

(a) The 500-foot spacing requirements in Section 34-1264 of the Land Development Code are hereby reduced to 0 feet. However, bars or cocktail lounges ~~shall not be permitted~~ are prohibited within 100 feet of the right-of-way of Felts Ave. (measured from any public entrance or exit of the establishment to any part of the right-of-way). ~~The Executive Director of the Community Redevelopment Agency shall advise the Department of Community Development on all requests for on-premise consumption of alcoholic beverages.~~

- (b) Restaurants may serve alcoholic beverages from a cocktail lounge (or directly at dining tables) without regard to any spacing requirements and without separate administrative approval or special permit, provided that there is no indication from the outside of the restaurant that alcoholic beverages are served there.
- (c) Bed-and-breakfast establishments provide paying guests with overnight accommodations and a morning meal in a dwelling unit.
- (d) Excluding boats with engines larger than ten horsepower.
- (e) Excluding bail bonding, blood banks, blood donor stations, check exchanges, collection agencies, and employment agencies.
- (f) Limited to bus stations/depots that provide scheduled intercity service or transfers to rail service in Bonita Springs.
- (g) Limited to dwelling units or housing units that are located on the second or third floor of a building that also contains other permitted uses.
- (h) Fuel pumps may not be approved under any circumstances.
- (i) Department stores, drugstores, hardware stores, supermarkets, and hobby, toy and game shops (defined terms) are permitted up to a maximum gross floor area of 10,000 square feet.
- (j) Dry retention or detention only, and located more than 20 feet from the edge of the right-of-way of Old 41, Reynolds St., or Childers St. (see also Section 34-1137 (l)).
- (k) Limited to the sale and/or repair of antique merchandise, meaning objects of an earlier period such as furniture, jewelry, stamps, coins, miniaturized replicas, works of art, or other decorative articles that are collected primarily because of their age, history, beauty, or expectation of increasing value.
- (l) Limited to one employee who is not a resident of the dwelling unit.
- (m) Individual sleeping rooms must be located outside the primary walking zone.
- (n) Excluding coin-operated laundries for self-service laundering or dry cleaning.
- (o) Accessory parking lots (defined term) that serve land uses in the primary walking zone must be located behind the primary walking zone (see also Sections 34-1135 and 34-1137(e)).
- (p) Excluding drive-through lanes for ATMs.
- (q) Limited to health and beauty clubs or spas only.
- (r) Limited to establishments providing indoors seating for up to 150 patrons; additional seating may be provided outdoors (see also Sections 34-1137(c)(5) and 34-1137(e)(3)).
- (s) Temporary permits for roadside stands may be renewed beyond the normal two-week maximum ~~upon the favorable written recommendation of by the Executive Community Development Director of the Community Redevelopment Agency.~~
- (t) Must be in accordance with Section 34-1137(g) below.

(u) Limited to water taxis only.

(v) Also including the sale of clothing on consignment.

(d) *Property development regulations.* ~~In the same manner as for Table 1, new~~ Modified property development regulations for the Bonita Springs ~~Town Center Redevelopment Overlay District~~ are shown in Table 2. The terminology and notes used in this table are the same as contained in Table 34-844 of the Land Development Code, except as specifically noted.

TABLE 2

Dimensional Regulations	Special Notes or	C-1 Zoning District	Bonita Springs Town Center (All Portions) <u>Redevelopment Overlay District</u> (as limited by Notes below)
Maximum density	34-2142, 2221 & 22	Note (1)	Note (1)
Minimum lot area and dimensions:			
Minimum lot size:			
Residential uses (square feet):			
First two units in same building		7,500	7,500
Each additional unit in same building		3,000	3,000
Nonresidential uses (square feet):			
Corner lot		7,500	5,000 <u>Note (a)</u>
Interior lot		7,500	2,500 <u>Note (a)</u>
Minimum lot width (feet)		75	25 <u>Note (a)</u>
Minimum lot depth (feet)		100	100
Minimum setbacks:	34-2191 et seq.		
Street (feet)	Note (3)	Variable according to the functional classification of the street or road (see section 34-2192)	All buildings in the <u>Bonita Springs</u> <u>Town Center Sub-</u> <u>district shall must</u> about the "build-to" line as defined in Appendix I, <u>Notes</u> <u>(a) (b), (c), (d), &</u> <u>(e)</u>

Side yard (feet)	Note (5)	15	0 (d),(e) Notes (f) & (g)
Rear yard (feet)		25	25
Water body (feet):	34-2191 et seq.		
Gulf of Mexico		N/A	N/A
Other (feet)		25	25
Maximum height (feet)	34-2171 et seq.	35	35 (f)(h)
Maximum lot coverage (percent of total lot area)		40%	60% (g)(i)

Original notes from Table 34-844: [reprinted here only when referenced above]

- (1) Residential development shall not exceed that density permitted by the Lee Plan for the land use located.
- (3) Modifications to required setbacks for arterial or collector streets, or for solar or wind energy purposes, are permitted only by special permit. See section 34-2191 et seq.
- (5) No side yard setback is required from common lot line for two-family attached or townhouse.

Notes applying to the Bonita Springs Town Center only:

Notes apply as specified:

(a) Applies throughout the Bonita Springs Town Center Sub-district, but to only those lots existing in the Old 41-N and Old 41-S Sub-districts before January 1, 1999.

(a)(b) However, no portion of a building or structure may materially obstruct visibility from vehicles crossing or turning onto Old 41. Visibility must be maintained on northwest or southeast corner lots within the triangular space bounded by the outer edges of the existing or proposed through travel lanes and a straight line connecting the two edges 50 feet from their intersection. Visibility across this triangular space must be maintained between two feet and seven feet above the average grade of each street. (These requirements supersede the vehicle visibility requirements found in Section 34-3131.)

(b)(c) In the Bonita Springs Town Center Sub-district only. Projections of any character projecting over or upon public property (such as doors, windows, awnings, canopies, overhangs, etc.) must comply with the requirements of the Standard Building Code for use of public property, except that fixed awnings or canopies may project over public property at the same clearances allowed for movable awnings.

(c)(d) In the Bonita Springs Town Center Sub-district only. Instead of placing the front wall of a building up to the "build-to" line, a landowner may construct a patio which provides outdoor seating for a permitted use in the space between the building and the "build-to" line.

e) Street setbacks in the Old 41-N and Old 41-S Sub-districts:

Existing buildings and structures- Buildings and structures erected in the Old 41-N and Old 41-S Sub-districts before January 1, 1999 that are not in compliance with the street setback requirements of section 34-2192 will be considered legally nonconforming, subject to the provisions of section 34-3203(a) and (b).

New buildings and structures- Any building or structure erected in the Old 41-N and Old 41-S Sub-districts on or after January 1, 1999 must comply with all applicable setback development regulations for the underlying zoning district(s) then in effect, except that:

where existing buildings on the abutting properties on both sides of the property in question are located closer to the street right-of-way than allowed by section 34-2192, the director may approve a minimum street setback equal to the average setback of the existing buildings on the abutting property, or

where only one of the abutting lots has an existing building, the director may approve a setback equal to one-half of the sum of the minimum setback for the existing building on the abutting lot and the required setback.

(d)(f) Applies in the Old 41-N and Old 41-S Sub-districts for only lots less than 75 feet in width, and in the Bonita Town Center Sub-district. Where side setbacks are less than five feet, satisfactory evidence must be presented that the landowner will be able to maintain the exterior wall, for example through a maintenance easement granted by the adjoining landowner.

(e)(g) Applies in the District, and The exterior walls of buildings must meet the fire protection requirements of Table 600 of the Standard Building Code; these requirements vary based on the amount of horizontal separation from the side lot line.

(f)(h) The additional permitted height over 35 feet that is allowed by ~~S~~section 34-2174(a) does not apply in the Bonita Springs Town Center ~~redevelopment overlay~~ district.

(g)(i) This lot coverage percentage applies in the Bonita Town Center Sub-district, and in the Old 41-N and Old 41-S Sub-districts for lots less than 7500 square feet, to buildings only and not to storm water detention areas or hard surfaces such as parking areas, pedestrian ways, and patios.

(3) Off-street parking (applicable only in Bonita Springs Town Center Sub-district- except as stated below in (4)). Off-street parking is generally required in accordance with section 34-2011 *et seq.* of the Land Development Code. Those requirements assume that patrons of each land use will arrive in a private automobile that will be parked in a private lot on the same premises. The Bonita Springs Town Center differs in several ways from most conventional development: its central location within Bonita Springs allows some arrivals on foot or by bicycle, train, or boat; the proposed intensity of related uses will increase the number of destinations for each automobile trip; shared parking lots are encouraged by this overlay district; and some on-street parking will be provided. In response to these conditions, the following modifications to the Land Development Code ~~shall~~ apply throughout the Bonita Springs Town Center Sub-District:

- (1) Location of off-street parking spaces. In the Bonita Springs Town Center Sub-District ~~Off-street~~ parking spaces ~~shall~~ may not be placed between the principal building and the street. This parking ~~shall~~ must be provided in parking lots located generally behind the principal building, in order to de-emphasize the visual effect of large parking lots and to allow the front walls of buildings to become an integral part of the pedestrian-oriented streetscape being created through the master plan.

(2) *Access, location, and design of parking spaces.* Notwithstanding any conflicting provisions of section 34-2013 and 34-2015 of the Land Development Code:

- a. Parking lots may be accessed by alleys, and parking spaces may be directly accessed from alleys, provided such alleys are improved in accordance with section 34-1137(j) herein.
- b. Distinct parking lot entrances to streets or alleys ~~shall~~ must be at least 12 feet wide for one-way entrances and 20 feet wide for two-way entrances.

(3) *Required number of parking spaces.* The number of off-street parking spaces required for any given land use by section 34-2020 ~~shall may~~ be reduced by one-third. Area used for outdoor restaurant seating ~~shall may~~ not be counted in the total floor area when calculating parking requirements.

(4) *Joint use of off-street parking lots.* Notwithstanding any conflicting provisions of section 34-2018 ~~or this subsection of the Land Development Code~~ the following provisions will apply throughout the entire Bonita Springs Redevelopment Overlay District:

- a. Joint or shared use of off-street parking is specifically encouraged in the Bonita Springs Town Center Redevelopment Overlay District. To this end, joint-use parking may be approved administratively by the Lee County Community Redevelopment Agency as an alternative to, the special permit ~~exception~~ process found in sections 34-203 (g)(5Z) and 34-145(c).
- b. Joint or shared parking lots must be located on the same block as the land uses they serve, but may be located on the opposite side of an alley. Signs ~~shall~~ must be placed to inform motorists of the allowable use of shared lots. Applicants are also encouraged to include joint space for off-street loading in these lots.
- c. In joint or shared lots, the same parking space may fully satisfy the off-street parking requirement for two different land uses provided their peak parking demands clearly occur at different times. When the peak demands do not clearly occur at different times, each two parking spaces can replace three parking spaces that would otherwise be required by the combined uses. ~~(after the reduction found in~~ In addition to this reduction, parking in the Bonita Town Center Sub-district only may also apply the reduction of subsection (3) above).
- d. ~~GRA~~ Administrative approval for joint or shared use of off-street parking can be granted only when all users of the shared lot have chosen to be governed by this redevelopment overlay district in accordance with section 34-1137(b) above. Requests for administrative approval ~~shall~~ must include the following:
 1. A notarized statement from all property owners involved indicating the use of each property and to what extent the activities of each separate building or use ~~which that~~ create a demand for parking ~~shall will~~ occur at different times.
 2. Written agreements, covenants, contracts and the like, acceptable to the GRA County, which ensure that the parking area is to be used jointly and establish the responsibility for maintenance.
- e. Administrative approvals granted by the GRA County ~~shall~~ must be recorded in the same manner as other administrative approvals granted under ~~the Land Development~~ this Code.

(f) *Off-street loading (applicable only in the Bonita Springs Town Center Sub-District).* Space for off-street loading is generally required in accordance with section 34-1981 ~~et seq. of the Land Development Code~~. Conventional development is designed so that the unloading of products or materials from large trucks occurs entirely off-street, often in space earmarked for that purpose. The Bonita Springs Town Center differs from

conventional development by eliminating large retailers and industrial uses, both of which usually require a separate area for off-street loading to or from large trucks. In addition, the more intense clustering of commercial uses along street frontages precludes a separate loading space for each use. Accordingly, and notwithstanding any conflicting provisions of section 34-1981 *et seq.* of the Land Development Code:

- (1) *Off-street loading area.* Off-street loading areas ~~shall~~ may not be placed between the principal building and the street right-of-way line. A separate loading area is not required, but when provided, the surfaced portions of loading areas are not required to be set back from side or rear lot lines.
- (2) *Interference with parking areas.* Establishments are encouraged to schedule deliveries before or after their normal business hours. Deliveries that are made during normal hours may not obstruct parking aisles or parking entrances.

(g) Signs.

- (1) Sandwich signs (applicable only in the Bonita Springs Town Center Sub-District). Lee County's sign regulations are found in chapter 30 of the Land Development Code, and additional guidance is provided through the design guidelines discussed in section 34-1137(c) above. With certain exceptions, signs in Lee County must be placed on private property. In light of the urban character of the Bonita Springs Town Center, signs may be placed in the Bonita Springs Town Center abutting or extending over public property such as sidewalks despite the general prohibition in §section 30-5 of sandwich-board signs, "A" signs, or other types of portable signs which that are portable and readily movable from place to place. Single- or double-faced sandwich signs may be placed on the same premises or on sidewalks directly in front of the premises provided that the sign is placed indoors after business hours, is not illuminated, and, if placed on a public sidewalk, does not exceed 24 inches in width.

- (2) Ground-mounted signs (applicable throughout the Bonita Springs Redevelopment Overlay District). For any one on-site, ground-mounted sign existing before January 1, 1999, the director may approve either of the following alternatives to afford relief:

- a. if located closer to the right-of-way than otherwise allowed by section 34-2192, the director may legitimize the location of an existing ground-mounted sign by reducing the required street setback as required, provided that no part of the sign will encroach into the public right-of-way; or
- b. approve the relocation of an existing, on-site, ground-mounted sign to a side yard at a height greater than otherwise permitted, provided that such signs may not exceed 30 feet in height.

(h) *Development standards.* ~~In a similar manner as for Tables 1 and 2, n~~ New development standards for the Bonita Springs Town Center Redevelopment Overlay District are shown in Table 3. These regulations apply throughout the Bonita Springs Town Center Sub-district, and in the Old 41-N and Old 41-S Sub-districts to only lots of less than 7,500 square feet, existing before January 1, 1999; and as further limited below. The terminology in this table follows that in chapter 10 of the Land Development Code, except as specifically noted.

TABLE 3

Type of Development Standard	Found Where in Land Development Code	Substance of Current Regulations	Bonita Springs Town Center (All Portions) Redevelopment Overlay District (except as noted below)
Open space: small developments large developments	10-415(a)	20% 30%	Note (a) Note (a)
Minimum required buffering: commercial adjoining existing residential development	10-416(d)	Type C or F landscape buffer	None <u>Note(b)</u>
commercial adjoining street rights-of-way	10-416(d)	Type D landscape buffer	Note (bc)
Stormwater detention	10-321 et seq.	Required for each individual parcel	See section 5(i) below
Intersection separation	10-285	Arterials 660 ft.	Old 41 (aka Business 41): note (cd)
		Collectors: 330 ft.	Other streets: note (de)
		Local streets: 125 ft.	
		Access roads or access ways: 60 ft.	Note (ef)

Notes applying to the Bonita Springs Town Center, to the District, except as stated below:

(a) There is no minimum open space requirement comparable to that required by Section 10-413.

(b) In the Old 41-N and Old 41-S Sub-districts, applies only to existing commercial uses developed before January 1, 1999.

(bc) There is no minimum buffer requirement adjoining rights-of-way comparable to that required by Section 10-414(f).

(cd) Limited to only Bonita Springs Town Center-Vehicular access to private parking spaces ~~shall~~ must be via the alley system (see Section 34-1137(j) below). No new access points ~~shall~~ will be allowed directly to Old 41 (aka Business 41), and existing access points (other than existing alleys) ~~shall~~ must be removed when parking areas are reconfigured to conform to these regulations.

(de) Limited to only Bonita Springs Town Center-Vehicular access to parking spaces ~~shall~~ must be via the alley system wherever possible (see Section 34-1137(j) below). New access points ~~shall~~ will be allowed to streets other than Old 41 only where alley access is not shown in the master plan (see Section 34-1135), or where alley access is infeasible or inferior to the circulation pattern shown in the master plan (as determined by the ~~Executive Director of Development Services~~ the Community Redevelopment Agency).

(ef) Limited to only Bonita Springs Town Center-The alley system (see Section 34-1137(j) below) serves a function similar to access roads or access ways. The only spacing requirement is that, wherever possible, access from parking to the alley ~~shall~~ must be provided at least 60 feet from the point where the alley intersects with a public street.

(i) *Stormwater management.* This redevelopment overlay district contains an integral water management plan for the ~~entire~~ Bonita Springs Town Center. Surface water flows will continue to be directed away from Old 41 (~~aka Business 41~~) and towards the Imperial River under this plan, but water quality treatment and minimal storm attenuation will be added. Retention facilities, control structures, and outfalls will be constructed by the Lee County Community Redevelopment Agency. The construction of inlets and drainage piping within each block is the responsibility of landowners on that block at the time of development or redevelopment, and must be sized to serve the entire block. Storm water runoff west of Old 41 (~~aka Business 41~~) will be directed into exfiltration trenches; runoff east of Old 41 will flow into a detention lake, or as the surface water management plan may be amended from time to time. The engineering details for all facilities constructed by private owners in conjunction with development activity ~~shall be~~ are subject to the review and approval of the Development Services Director.

(j) *Alleys (applies only to Bonita Springs Town Center Sub-district).* The use of public alleys is essential to the functioning of the Bonita Springs Town Center Sub-district by serving the following functions: a substitute for access streets; direct access to alley parking spaces; access for off-street loading of goods; mid-block traffic and pedestrian circulation; and a corridor for drainage conveyances. The improvement and use of the system of platted alleys is hereby required during the development and redevelopment of land in the Bonita Springs Town Center Sub-district. The spacing of alleys as shown on the original subdivision plats is deemed to be acceptable and ~~shall~~ must be maintained unless an alley is vacated and relocated through formal action of the Board of County Commissioners.

- (1) *Widths.* The platted widths of alleys ~~shall~~ must be maintained as the minimum width; landowners are encouraged to provide additional alley width provided that it does not interfere with traffic circulation in the alley system:

TABLE 4

Location of Alley	Minimum Alley Width
Easterly from Old 41 to Felts Avenue:	
Between Wilson and Reynolds Streets	20 feet
Between Childers and Ragsdale Streets	25 feet
West of Old 41:	
Northerly from Wilson Street (extending 100 feet)	15 feet
Southerly from Wilson to Reynolds Streets	15 feet
Southerly from Childers to Ragsdale Streets	15 feet
Southerly from Ragsdale Street to fire station	15 feet

- (2) *Ownership.* The land required for alleys will be dedicated to the public.

- (3) *Maintenance.* Maintenance of alleys may be the responsibility of private property owners or may be

funded through an MSBU or MSTU, as appropriate. Maintenance will not be the responsibility of Lee County.

- (4) *Pavement width.* Per plan and profiles approved by the director of development review.
- (5) *Construction standards.* Construction standards for alleys ~~shall be~~ are the same as required for Category A local and access streets by section 10-296 of the ~~Land Development Code~~, or ~~shall use~~ the relevant design and construction standards developed for Lee County for the proposed Old 41 (aka Business 41) street scape improvements.

(k) *Building regulations* (applies only to Bonita Springs Town Center Sub-district). The purpose of this subsection is to encourage the continued use or reuse of existing buildings in the Bonita Springs Town Center and to encourage the creation of awnings and canopies over sidewalks and pedestrian walkways. Accordingly, and notwithstanding any ~~conflicting conflict with the~~ provisions of chapter 6 of the ~~Land Development Code~~.

- (1) *Existing uses within the Bonita Springs Town Center Sub-district.* Existing buildings may continue their existing use, provided such buildings are maintained in a safe and sanitary condition and such use was legal at the time of adoption of this resolution on August 16, 1995. Buildings left vacant for a time period exceeding two years ~~shall~~ must be analyzed prior to reoccupancy for structural strength, stability, sanitation, adequate light and indoor air quality, adequate plumbing, mechanical, gas, and electrical systems, and safety to life and property from fire and other hazards affecting the safe use and occupancy of the building. The Building Official may waive one or more of the above requirements based upon the type occupancy being requested. Findings of the analysis ~~shall~~ must be submitted to the Building Official as a part of the application for a permit to reoccupy the building.
- (2) *Alterations, Repairs, and Rehabilitation.* Alterations, repairs, or rehabilitation work may be made to any existing building without requiring the building to comply with all the requirements of the building codes provided that the alteration, repair, or rehabilitation work conforms to the requirements of the Building, Plumbing, Mechanical, Gas, and Electrical Codes for new construction. The Building Official ~~shall will~~ determine the extent to which the remainder of the building ~~shall~~ must be made to conform to the requirements of these codes for existing construction, consistent with the purposes of this subsection.
- (3) *Change of a building's use or occupant.* When a new use is proposed for an existing building, or a new occupant wishes to occupy an existing building, the following ~~shall apply~~ applies:
 - a. If the occupancy classification of an existing building or structure is changed to a more hazardous occupancy (based on the life safety and fire hazard involved), the building, electrical, gas, mechanical, and plumbing systems ~~shall~~ must be made to conform to the intent of the technical codes as required by the building official.
 - b. If a new use falls within the same occupancy classification as the previous use, the requirement in subsection a. ~~shall does~~ not apply.
 - c. The mere change of occupant within the same occupancy classification, or the upgrading of a certificate of compliance to a certificate of occupancy, ~~shall does~~ not cause the requirement in subsection a. to apply.
- (4) *Awnings and canopies.* The installation of awnings and canopies over sidewalks and pedestrian walkways is specifically encouraged, (see design guidelines in section 34-1135 above). Awnings and canopies that extend over public property are regulated by chapter 22 of the Standard Building Code. In order to allow and encourage the implementation of the master plan, landowners may construct fixed awnings and canopies that extend over public property to the same extent as allowed by the

Standard Building Code for movable awnings, notwithstanding the limitations found in section 34-2191 of the Land Development Code.

Sec. 34-1138. Procedures for approval and for appeals of administrative decisions.

(a) *Approval process.* In order to minimize the time required for review of permit requests in the Bonita Springs Town Center Redevelopment Overlay District, any review conducted by the ~~Community Redevelopment Agency~~ staff ~~shall will~~ occur simultaneously with review by other county agencies. County agencies ~~shall will~~ be responsible for notifying the Community Redevelopment Agency staff immediately upon receipt of relevant permit applications. ~~The Community Redevelopment Agency staff shall be responsible for conducting its review within the same time period as allotted to those agencies.~~ Permit applicants are encouraged to consult with permitting departments and the Community Redevelopment Agency staff prior to submitting applications.

(b) *Appeals of administrative decisions.* Administrative decisions may be appealed in accordance with existing procedures for such appeals.

Sec. ~~34-1139.~~ Legal description of overlay district:

The Bonita Springs Town Center Redevelopment Overlay District is legally described as follows:

A tract or parcel of land lying in Bonita Springs, Plat Book 3 at Page 26 and Heitman's Bonita Springs Townsite, Plat Book 6 at Page 24, Lee County Records in Section 35, Township 47 South, Range 25 East, Bonita Springs, Lee County, Florida which tract or parcel is described as follows: Beginning at the intersection of the center lines of Abernathy Street and Felts Avenue as shown on said Plat of Bonita Springs and run Westerly along the centerline of said Abernathy Street, across Old 41 Road and continue along the centerline of Abernathy Street (Fifth Street, as shown on said Plat of Heitman's Bonita Springs Townsite) to the centerline of Front Street; thence run Northerly along said centerline to the centerline of Childers Street; thence run Westerly and Southwesterly along the centerline of Pennsylvania Avenue to an intersection with a southerly prolongation of the centerline of East Drive; thence run Northerly along said prolongation and said centerline to the southerly shore of Imperial River; thence run Easterly along said southerly shore to an intersection with said centerline of Felts Avenue; thence run Southerly along said centerline to the Point of Beginning:

Sec. ~~34-1139~~ - 34-1140. Reserved.

Subdivision VI. The San Carlos Island Redevelopment Overlay District

Sec. 34-1141. Purpose and Intent.

(a) *Purpose and affected area.* The San Carlos Island Redevelopment Overlay District (District) is designed to stimulate the revitalization of San Carlos Island. A legal description of the District's boundary is set forth in Appendix I. The District is comprised of the following four sub-districts:

- (1) San Carlos Island Commercial Corridor (SCC) Sub-district.
- (2) San Carlos Island Commercial Corridor Expansion (SCCE) Sub-district.
- (3) San Carlos Island Fisherman's Wharf (SCF) Sub-district. and
- (4) San Carlos Island Waterfront (SCW) Sub-district.

(b) *Optional nature of these regulations.* Individual landowners may choose to follow all existing Lee

County regulations when they build or rebuild, or at solely their option, they may elect to develop or redevelop under the applicable provisions of this District. However, once a landowner elects to use any of the modified development regulations of the District on a particular parcel, then the landowner must comply with all of the applicable requirements of the District for that property. A landowner's election to redevelop or develop under the applicable District provisions must follow the procedure set forth in section 34-1082 (a) to become effective.

(c) *Planned Development Zoning.*

- (1) Property previously zoned to a planned development district will not be eligible to participate in the District through the Administrative Approval process for redevelopment overlay districts. Instead, amendments to their existing approvals must follow the existing planned development amendment process specified in section 34-371.
- (2) Notwithstanding the above, new planned developments electing to participate in the redevelopment overlay district may be approved as part of the District, so long as the uses requested as part of the planned development are included in Table 1, below, and requisite approvals are obtained.

(d) *Authority.* This District is consistent with and helps to implement the adopted component redevelopment plan for San Carlos Island. This redevelopment overlay district complies with all requirements for such districts found in sections 34-1080 through 34-1090.

Sec. 34-1142. Elements of the redevelopment overlay district.

This District includes two distinct elements. The first is the master site plan that modifies specified land development regulations, and authorizes changes in the uses or type of approval required for a use in the four sub-districts, as set forth in section 34-1143. The second element is a set of design guidelines adopted by administrative code that includes recommendations regarding landscape materials, commercial storefronts, signage and preferred colors. The design guidelines enable private landowners to construct new buildings, or to rehabilitate existing buildings and other facilities, consistent with the specified guidelines, and also encourage proper maintenance. Combined, the two elements help to facilitate the redevelopment of the District in a manner consistent with the San Carlos Island component plan.

Sec. 34-1143. Modified land development regulations, the master plan.

The District Master Site Plan (Plan or MSP) contains graphic and textual aspects which modify the following specified land development regulations. All other Lee County land development regulations remain in full effect. A reduced copy of the San Carlos Island MSP is adopted by reference and included in reduced form in Appendix I. In general, the SCC and SCF Sub-districts retain the uses allowed in the underlying zoning districts. The SCW and SCCE Sub-districts alter the uses from those of the underlying zoning district to allow those uses set forth in Table 1, below. In addition, the type of approval required for certain uses has been modified, as also set forth in Table 1.

(a) *Planning criteria and conditions for the SCCE Sub-district.* No use set forth in Table 1 for the SCCE Sub-district can be approved unless the following planning criteria and conditions are found to exist by the director or the hearing examiner, as applicable:

- (1) the property to be developed is under unified control, and is abutting land within either the SCC Sub-district or abutting lands previously approved for development in the SCCE Sub-district under these provisions;
- (2) there must be a unified plan of development shown on a Master Development Plan submitted with the development request;

(3) vehicular access to the proposed development request area:

- a. is not allowed through a less intense or residential area; and
- b. must be either from San Carlos Boulevard or through joint access with adjacent properties;

(4) landscaping and buffering is provided consistent with existing regulations in section 10-416, except that:

- a. any reduced landscaping or buffering provisions of the District may not be utilized; and
- b. if the property to be developed abuts South Street, a buffer that conforms to section 10-416(d) must be provided along South Street; and

(5) the property to be developed or redeveloped must comply with all of the requirements of Chapter 10, without variances thereto.

(b) Land development regulations - land uses. Development requests electing to apply the land development regulations of the District are processed as administrative approvals pursuant to section 34-1082(d), subject to the following:

(1) The uses permitted within the SCC and SCF Sub-districts are those in effect for the underlying zoning district(s) at the time a legally sufficient development request is submitted.

(2) Regardless of the uses allowed in an existing underlying zoning district(s), the only uses allowed in the SCW and SCCE Sub-districts are those set forth in Table 1 at the time a development request is deemed legally sufficient. Land uses that are not expressly included in Table 1 may be permitted by the director only if they are no more intense than the most similar listed use, considering impacts such as noise, hours of operation, traffic generation, compatibility with the purposes of this overlay district and similar factors, and any required approvals are obtained.

(c) Use of Table 1. The following abbreviated terms have the meaning stated and apply to Table 1 and its explanatory notes: the letter "SE" means a use only permitted by a special exception approved pursuant to section 34-145(c), approval under section 34-1082(d)(1)a is required as well; "-" means that the use is not allowed, and the letter "P" means a use is permitted subject to approval by the director pursuant to section 34-1082.

TABLE 1
LAND USES IN THE SCCE AND SCW SUB-DISTRICTS

<u>Land Uses</u>	<u>Special Notes or Regulations</u>	<u>SCCE</u>	<u>SCW</u>
Accessory Apartment	34-1177 Note A	P	P
Administrative Offices		P	P
ATM (automatic teller machine)		SE Note I	P Note B
Bait and tackle shop		SE Note I	P Note B

<u>Land Uses</u>	<u>Special Notes or Regulations</u>	<u>SCCE</u>	<u>SCW</u>
Banks and financial establishment, Group I (34-622(c)(3))		SE Note I	=
Bar or cocktail lounge	34-1261 et seq.	SE Note I	SE Note B
Bed and breakfast establishments		SE Note I	=
Boats: Boat parts store Boat rental Boat repair and service Boat sales Boat storage (all heights)	34-1352	SE* SE* SE* SE* = *Note I	= P P = P
Boatyard	Note H	=	P
Clubs, Private	Note A	SE	P
Commercial fishery including land support		SE Note I	P
Commercial use of beachfront sea-ward of the water body setback line		=	P
Consumption on premises	34-1261 et seq.	SE Note I	SE Note B
Cultural facilities, excluding animal or reptile exhibits and zoos		SE Note I	=
Docking or mooring facilities		=	P
Drive-through facility for any permitted use		SE Note I	=
Dwelling unit, Multiple-family units	Note A	SE Note I	=
Entrance gates and gatehouses		SE Note I	P
Essential services	34-1611 et seq.	P	P
Essential service facilities (34- 622(c)(13)): • Group I • Group II	34-1611 et seq. -	P SE	P SE
Excavation, Water Retention	34-1651(b)	P	P
Fish house, wholesale, retail		SE Note I	P
Food and beverage service, limited		SE	P Note B
Freight and cargo handling establishments (34-622(c)(17))	Note A	=	P
Gift and souvenir shop		SE Note I	=

<u>Land Uses</u>	<u>Special Notes or Regulations</u>	<u>SCCE</u>	<u>SCW</u>
Home Occupation		P	=
Hobby, toy, game shops (34-622(c)(21))		SE Note I	=
Hotel/motel		SE Note I	=
Laundromat, Laundry or dry cleaning, Group I (34-622(c)(24))	Note B	SE Note I	=
Marina	34-1862 Note G Note H	=	P
Offices, marine-oriented government	Note C	SE Note I	P
Package store	34-1261 et seq.	SE Note I	=
Parks (34-622(c)(32)), public or private, Group I Groups II (limited to boat ramps & nature trails)		P SE	P P
Parking lot: Accessory Commercial Temporary		P SE SE	P = P
Personal services (34-622(c)(33)), Groups I and II		SE Note I	=
Recreation, personal (34-622(c)(38))		P	P
Rental or leasing establishments, Group I (34-622(c)(39))	34-1352, 34-3001 et seq.	SE Note I	=
Residential accessory uses (34-622(c)(42))		P	=
Restaurants (34-622(c)(43)): • Group(s) I, II • With Outdoor Seating		SE* SE* * Note I	P P
Schools, commercial (34-622(c)(45))	34-2381 Note D	SE Note I	P
Signs in accordance with chapter 30	Note E	P	P
Specialty retail shop, Group(s) I, II, III (34-622(c)(47))		SE Note J	=
Temporary uses	34-3041 et seq.	SE	P
Transportation Services, Group I (34-622(c)(53))		=	P Note J
Vehicle and equipment dealers, Group III (34-622(c)(55)):	34-1352	SE Note I	=

<u>Land Uses</u>	<u>Special Notes or Regulations</u>	<u>SCCE</u>	<u>SCW</u>
<p>NOTES:</p> <p>A. <u>Limited to marine-oriented operations.</u></p> <p>B. <u>Limited to establishments which are clearly accessory and subordinate to a marina or commercial fishing land support facility.</u></p> <p>C. <u>Mainly the U.S. Coast Guard, Army Corps of Engineers, state department of environmental protection, marine patrol and other marine-oriented County facilities.</u></p> <p>D. <u>Limited to marine-oriented schools such as sailing schools.</u></p> <p>E. <u>Limited to seafood markets.</u></p> <p>F. <u>As modified by section 34-1142(e)(7).</u></p> <p>G. <u>In addition to the Marina Accessory uses listed in section 34-2, the following uses are included if clearly accessory and subordinate to a marina: food stores, laundry facilities, rental or leasing facilities Group I, and specialty retail shop, Group I.</u></p> <p>H. <u>Boat sales and boat part sales which are clearly accessory and subordinate to this use are allowed.</u></p> <p>I. <u>This use is only allowed east of San Carlos Boulevard.</u></p> <p>J. <u>This use is allowed only where the underlying zoning is CM or IM, and the Land Use Category is Urban Community.</u></p>			

(d) Property development regulations - all sub-districts

- (1) Required off-street parking. Off-street parking is generally required in accordance with section 34-2011 et seq. Those requirements assume that patrons of each land use will arrive in a private automobile that will be parked in a private lot on the same premises. With the existing public parking lots in the District that may be used by the local merchants for customer parking, the number of off-street parking spaces required for any given land use must conform to section 34-2020, except that marinas and other water related uses will provide at least the following minimum number of parking spaces:

Boat slips: Two spaces per five slips.

Dry storage: One on space per six slips.

Charter or party fishing boats, including passenger carrying vessels such as sunset trips, eco-trips etc., but excluding local or international cruise ships: One space per four passengers, based on the maximum capacity of the boats using the docks or loading facilities.

- (2) Alternative parking surfaces for parking lots may be permitted within the District, except for parking lots abutting San Carlos Boulevard, provided that

- the areas are adequately drained and continuously maintained in a dust free manner. Acceptable alternative surfaces include: gravel, crushed shell, or other similar materials. Parking on grass or other unimproved surfaces such as sand or dirt is prohibited; and
- handicapped spaces must be paved with asphalt or concrete to provide a smooth surface without gaps or holes that would create a danger to the user.

(e) Property development regulations - SCC and SCF sub-districts only.

The director may administratively approve modifications to the property development regulations, ground-mounted sign regulations, off-street parking requirements, open space and buffering requirements set forth for the underlying zoning district for those properties in the SCC and SCF Sub-districts that physically abut or front upon San Carlos Boulevard, so long as the requirements below are met. All other properties within

the SCC and SCF Sub-districts are subject to the land development regulations applicable to the underlying zoning in effect at the time a legally sufficient development request is submitted.

(1) Property development regulations:

a. Lot requirements. Minimum lot dimension or area requirements set forth for the zoning district(s) in which an eligible property is located may be administratively reduced by the director as follows:

1. for an existing lot where the need for the reduction resulted from a government road right-of-way acquisition program and was not otherwise self-created, or
2. to create a new lot with a reduced lot depth, if the lot would comply with all lot width and area requirements and the lot is otherwise created in accordance with all other applicable regulations.

b. Setbacks. The minimum street, side or rear setback requirements set forth in the property development regulations for the underlying zoning district(s) in which the property is located may be reduced by the director as follows:

1. Existing buildings and structures. Buildings and structures within the overlay district that are not in compliance with the street setback requirements of section 34-2192 will be considered legally nonconforming, subject to the provisions of section 34-3203(a) and (b), so long as the non-compliance resulted from a governmental road right-of way acquisition program.
2. New buildings and structures. Any building or structure erected after January 1, 1999 must comply with all applicable setback development regulations for the underlying zoning district(s) then in effect, except that:
 - i. where existing buildings on the abutting properties on both sides of the property in question are located closer to the street right-of-way than allowed by section 34-2192, the director may approve a minimum street setback equal to the average setback of the existing buildings on the abutting property, or
 - ii. where only one of the abutting lots has an existing building, the director may approve a setback equal to one-half of the sum of the minimum setback for the existing building on the abutting lot and the required setback.
3. Street setbacks for flag poles may be reduced by the director so long as no part of the structure encroaches into the public right-of-way.

c. Maximum lot coverage. If a portion of a site's parking or other development was reduced by a governmental road right-of-way acquisition program, then the site area lost thereby may be calculated as part of the overall lot area when determining maximum permitted lot coverage.

(2) Open space, landscaping, and buffering. The minimum open space, landscaping, and buffering required for developments may be modified as follows:

- a. Lots that meet or exceed required standards. Lots that meet or exceed the minimum area requirements for the underlying zoning district(s) in which the property is located must comply with all open space, landscaping, and buffering requirements in effect at the time the development request is deemed legally sufficient.
- b. Lots that cannot meet standards. The director may administratively approve modifications to the buffering, open space, and landscaping requirements for lots that cannot meet the area or dimensional requirements of the underlying zoning district(s) in which the property is located where the non-compliance resulted from a governmental right-of-way acquisition program and was not otherwise self-created, as follows:

1. Buffering. Buffer areas between parking lots and the street right-of-way line may be waived provided that a fence, wall or other acceptable method (e.g. bollards) is used to prevent vehicles from entering the parking lot or parking spaces at other than the site's designated access point. If waiving the buffering requirements would still not allow the property to be developed in compliance with all other applicable regulations, then the director may administratively approve modifications to the open space requirements, as set forth below.
 2. Open space. The percentage of open space required by the underlying zoning district(s) may be reduced by up to fifty (50) percent. If reducing the open space requirements by fifty (50) percent would still not allow the property to be developed in compliance with all other applicable regulations, then the director may administratively approve modifications to the landscaping requirements, as set forth below.
 3. Landscaping. Landscaping requirements may be reduced in proportion to approved modifications to the open space requirements.
- (3) Access. The director, subject to approval of the Florida Department of Transportation, where required, may reduce the access point distance separation requirements to accommodate driveway or parking lot accesses, but only if they provide the sole vehicle access to two or more abutting properties.
- (4) Off-street parking. It is an important aspect of the SCC and SCF Sub-districts to encourage alternative parking patterns such as off-site or shared parking lots. To allow flexibility in meeting a site's parking requirements, the director may modify them, as follows:
- a. Properties meeting certain minimum lot requirements. No parking modifications may be administratively approved for any use located on a lot or parcel that meets the minimum lot depth, width, and area requirements for the underlying zoning district(s) in which located notwithstanding the effect of a governmental right-of-way acquisition program.
 - b. Properties reduced below minimum depth requirements.
 1. The director may administratively reduce the number of required parking spaces otherwise required in proportion to any reduction in a parcel's area resulting from a governmental right-of-way acquisition program. For example, if a lot lost 1000 square feet of area for road right-of-way (ROW) purposes (100 foot frontage by 10 foot depth for new ROW) and the resulting lot depth was reduced below the minimum for the underlying zoning district(s), then the parking requirements may be reduced by the director up to 6 spaces (1000 square feet divided by 162 square feet, the area of the standard parking space, i.e. 9 feet by 18 feet, which equals 6.17, reduced to the next lower whole number, six) in order to meet the parking requirement. If the parking requirements still can not be met, the director may administratively approve the minimum number of off-site parking spaces necessary to meet the site's parking requirements, so long as:
 - i. the site's property owner has entered into a written agreement with the property owner of the off-site parking lot that has been approved by the County Attorney's Office and recorded in the County's public records;
 - ii. the furthest parking space in the off-site parking lot is located no more than 300 feet from the property in question; and
 - iii. no road or other restrictive barrier exists between the use and the parking lot that would prohibit safe pedestrian travel.
 2. To allow flexibility in meeting a site's parking requirements, the director may also administratively approve a development request to allow up to fifty (50%) percent of the required number of parking spaces for any land use in the SCC and SCF Sub-districts to be located off-site, so long as:

- i. a written joint use parking agreement meeting the criteria of section 34-203(e)(7) and acceptable to the County Attorney's Office is recorded in the County's public records; and
- ii. the requirements of sections 34-1089 and 34-2018(b) and (c) are met.

(5) Off-street loading. Businesses within these Sub-districts are exempt from providing designated off-street loading zones as required by Division 25, section 34-1981, *et seq.*

(6) Signs.

- a. All signs within the SCC and SCF Sub-districts must comply with chapter 30 except that where an existing building on the property is closer to the right-of-way than the minimum setback required by section 34-2192 as a result of a governmental right-of-way acquisition program such that a ground-mounted sign could not be located between the existing building and the right-of-way and still comply with chapter 30, then the director may administratively approve either of the following alternatives:
 1. reduce the required sign setback to accommodate a permitted ground-mounted sign, provided that no part of the sign may encroach into or over the public right-of-way or otherwise create an unsafe condition for passing motorists (see section 30-1(b)); or
 2. approve a ground-mounted sign to be located in the side yard next to the building but at a higher height than normally permitted, provided that the sign is the minimum height necessary to sufficiently convey a message about the owner or occupants of the property, the commodities, products or services available on the property, or the business activities conducted on such property (see section 30-1(e)(4)); and does not exceed 30 feet in height.
- b. New billboards are not permitted within the SCC or SCF Sub-districts. Existing billboards destroyed by fire or other natural forces beyond 50 percent may be rebuilt in their current locations, at their current size.

(f) Property development regulations - SCW and SCCE Sub-districts and certain properties in the SCC and SCF Sub-Districts. Modified land development regulations for the SCW and SCCE Sub-districts and those properties in the SCC and SCF Sub-districts which do not abut or front upon San Carlos Boulevard are set forth in Table 2, below. Off-street parking for these areas is addressed in sub-section (g) below. Except where specifically noted, the terminology and special regulations found in Table 2 have the same meaning and effect as they do throughout this Chapter. All other land development regulations applicable to the underlying zoning district(s) and development request will continue to have their same force and effect.

TABLE 2
PROPERTY DEVELOPMENT REGULATIONS
FOR SCW, SCCE, AND PORTIONS OF SCC AND SCCE SUB-DISTRICTS*

	<i>Special Notes or Regulations</i>	<i>*As limited in 34-1143 (f), above</i>
Minimum Lot Area and Dimensions		
Minimum Lot Size:	34-2221.	10,000 sq ft
Lot Width	34-2222.	50 ft.
Lot Depth	34-2142	100 ft.

	<u>Special Notes or Regulations</u>	<u>*As limited in 34-1143 (f), above</u>
Minimum Building Setbacks:		
Street (from edge of Rt-of-way)	34-2191	25 ft.
Side Yard	34-2192	20 ft.
Rear Yard	34-1174	20 ft.
Water Body	Notes B & C	25 ft.
Minimum Building Separation		20 ft.
Minimum Accessory Use Setbacks		25 ft.
• Street		25 ft.
• Side and Rear Lot Lines	Note A	0 ft or 20 ft
• Water Body	Notes B & C	25 ft.
Maximum Height	34-2171 et seq. Note D	35 ft. or 3 habitable stories, whichever is less
Maximum Lot Coverage		60%
<u>Notes: All notes referencing LDC sections must be complied with and met, plus the following as applicable:</u> <u>A. The 0 feet setback applies only to attached commercial buildings</u> <u>B. Limited to docks, non-roofed boardwalks, and decks with public access.</u> <u>C. Boat service buildings or boat service structures, whether principal or accessory structures, may be built up to the mean high-water line, as applicable.</u> <u>D. For boat storage facilities-dry located within an existing IM, IL and CM zoning district(s) located in the SCW Sub-district, the set back requirements of section 34-2174 are modified to only require the setbacks for heights greater than 55 feet above mean sea level.</u>		

(g) Off-street parking for the SCW and SCCE Sub-districts and certain properties in the SCC and SCF Sub-Districts. It is an important element of this District is to allow alternative parking patterns such as shared parking lots for the SCW and SCCE Sub-districts and those properties in the SCC and SCF Sub-districts that do not abut or front upon San Carlos Boulevard. To allow flexibility in meeting a site's parking requirements in these areas, the director may administratively approve a development request to allow up to fifty (50%) percent of the required number of parking spaces for any land use in the SCW and SCCE Sub-districts and those properties in the SCC and SCF Sub-districts that do not abut or front upon San Carlos Boulevard to be located off-site, so long as:

- (1) the site's property owner has entered into a written agreement with the property owner of the off-site parking lot which has been approved by the County Attorney's Office and recorded in the County's public records;
- (2) no road or other restrictive barrier would exist between the site and the proposed off-site parking that would prohibit safe pedestrian travel; and
- (3) the furthest parking space in the off-site parking lot is located no more than 300 feet from the property in question, except that:
 - a. the director may approve the use of parking spaces greater than 300 feet off-site up to 1,000 feet off-site, so long as the applicant demonstrates that no other spaces for parking are available closer than those being proposed; or
 - b. if there are still not a sufficient number of spaces available within 1000 feet, then so long as a shuttle service acceptable to the director is provided and maintained between the parking spaces

and the use(s) they serve, such parking may be used to meet up to 50% of the overall parking requirement.

ARTICLE VII. SUPPLEMENTARY DISTRICT REGULATIONS

DIVISION I. GENERALLY

Sec. 34-114169. Purpose and applicability of article.

The purpose of this article is to provide rules and regulations which supplement, modify or further explain rules and regulations found elsewhere in this chapter, and, unless specifically noted to the contrary, the provisions of this article apply to all zoning districts.

Sec. 34-114270. Purpose of supplemental regulations.

(a) Regulations over and above those imposed by other sections of this chapter are necessary for certain uses which, because of their uniqueness or potential for substantial impact on surrounding land uses, warrant minimum standards which cannot properly be addressed in general provisions or property development regulations set for in specific districts. The purpose of the supplemental regulations set forth in this article is to set forth the detailed regulations, including but not limited to the bulk, layout, yard size and lot area, that apply to these uses.

(b) Some of the uses provided for in this article exceed the minimum thresholds for developments of county impact (see section 34-203) and will be required to apply for approval through the planned development procedure. The Board of County Commissioners may modify any of the requirements of this article in accordance with the procedures for a planned development application approval.

(c) The supplemental regulations set out in this article ~~shall~~ apply to the specified use regardless of whether it is a use permitted by right, special exception, development of county impact or temporary use permit, as specified in the district use regulation.

DIVISION 11. COMMUNICATION TOWERS

Sec. 34-1446. Required sharing of communication towers.

(a) The owner/operator of any proposed tower that will require a special exception or development order ~~exceed a height of 100 feet~~ must enter into an agreement (Shared Use Plan Agreement) with the County requiring the owner/operator of the proposed tower to honor all reasonably and technically feasible requests for shared use of tower.

DIVISION 26. PARKING

Sec. 34-2020. Required Spaces.

(2) Commercial uses.

l. Restaurants/bakeries.

1. *Restaurants/bakeries.* When a store such as a bakery provides seating for customers to eat the bakery products made on the premises, the store must provide a minimum of one parking space per table or 50 square feet of seating area (whichever is greater) in addition to the parking required for the bakery.

2. When a restaurant is located within the same building as the principal use, and is clearly provided primarily for the employees and customers of the principal use, no additional parking spaces are required. In all other cases, parking will be as follows:
 - i. The minimum requirement is 14 spaces per 1,000 square feet of total floor area plus a minimum of one parking space per outdoor table or 50 square feet of outdoor seating area (whichever is greater).
 - ii. If the restaurant contains a cocktail lounge or bar, the minimum requirement is 14 spaces per 1,000 square feet of total floor area plus seven additional spaces per 1,000 square feet of floor area used for the bar or cocktail lounge.
3. *Restaurants, fast food.* The minimum requirement is 16 spaces per 1,000 square feet of total floor area plus one space per four outdoor seats, except as provided for in section 34-2021. See also subsection (2)h. of this section pertaining to drive-up facilities.

ARTICLE VIII. NONCONFORMITIES

DIVISION 3. NONCONFORMING BUILDINGS AND USE OF BUILDINGS

Sec. 34-3241. Nonconforming buildings and structures.

(b) A nonconforming building or structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

(2) Except as provided in this section:

- a. Any nonconforming structure or building, or portion thereof, that is substantially improved (reconstructed, rehabilitated, altered or demolished) to the extent that the cost of such improvement equals or exceeds a cumulative total of 50 percent of the current assessed value of the structure before the start of construction of the improvement ~~shall may~~ only be reconstructed at, but not to exceed, the lawful density or intensity existing at the time of destruction; provided, however, that the reconstruction of the structure is consistent with federal, state and local regulations and all the other provisions of this chapter. Any such alteration, demolition, reconstruction or rebuilding ~~shall must~~ be recorded with the division of ~~codes and building development~~ services for the purpose of establishing the value upon which subsequent alterations, demolition, reconstructions or rehabilitations ~~shall will~~ be based.
- (4) Repairs, reconstruction or renewal of an existing structure, building or portion thereof for the purpose of its maintenance ~~shall may~~ be permitted. However, repairs, reconstruction or renewal of structural elements ~~shall will~~ be reviewed by the director of the division of ~~codes and building development~~ services to determine applicability under this section, or whether such repairs ~~shall will~~ be considered under subsection (b)(2)a of this section. For purposes of this section, a change in the roofline from a flat roof to a peaked roof ~~shall constitutes~~ an alteration as indicated in subsection (b)(2)a of this section, provided that there is no increase in floor area.
- (5) Should a nonconforming structure be moved on-site for any reason, for any distance whatever, it ~~shall~~ may not be moved unless the relocation decreases the nonconformity.
- (6) Any portion of a nonconforming structure ~~which that~~ becomes physically unsafe or unlawful due to lack of repairs and maintenance, and which is declared unsafe or unlawful by a duly authorized county official, but which the owner wishes to repair, restore or rebuild, ~~shall must~~ be repaired, restored or rebuilt in conformance with the provisions of this chapter. Excluded from this provision are buildings ~~which that~~ have been designated as historic by chapter 22.

SECTION SIX: AMENDMENT TO LAND DEVELOPMENT CODE APPENDIX I

The Lee County Land Development Code is amended to repeal and replace Appendix I pertaining to the redevelopment overlay district boundaries referenced in Chapter 34, Article VI. Appendix I will consist of a series of legal descriptions and associated Master Development Plans, as attached on Exhibit "1". The appendix title will be changed from "Bonita Springs Town Center" to "Redevelopment Overlay District Boundaries". The documents pertaining to Bonita Town Center are replaced as indicated above.

SECTION SEVEN: CONFLICTS OF LAW

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

SECTION EIGHT: SEVERABILITY

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

SECTION NINE: CODIFICATION AND SCRIVENER'S ERRORS

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

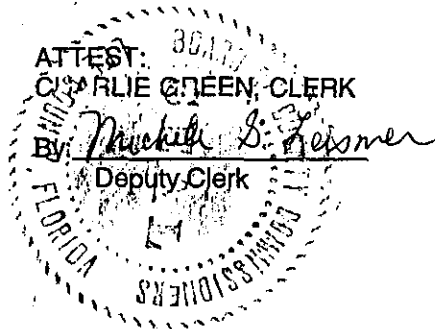
SECTION TEN: EFFECTIVE DATE

The ordinance will take effect upon its filing with the Office of the Secretary of the Florida Department of State.

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

RAY JUDAH	Aye
DOUGLAS ST. CERNY	Aye
JOHN E. MANNING	Aye
ANDREW W. COY	Aye
JOHN E. ALBION	Aye

DULY PASSED AND ADOPTED THIS 8th day of December, 1998.



BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: Ray Judah
Chairman

APPROVED AS TO FORM:

By: Clayton E. [Signature]
Office of County Attorney

TICE ZONING OVERLAY DISTRICT LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTIONS 3, 4 AND 9, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY FLORIDA, DESCRIBED AS FOLLOWS:

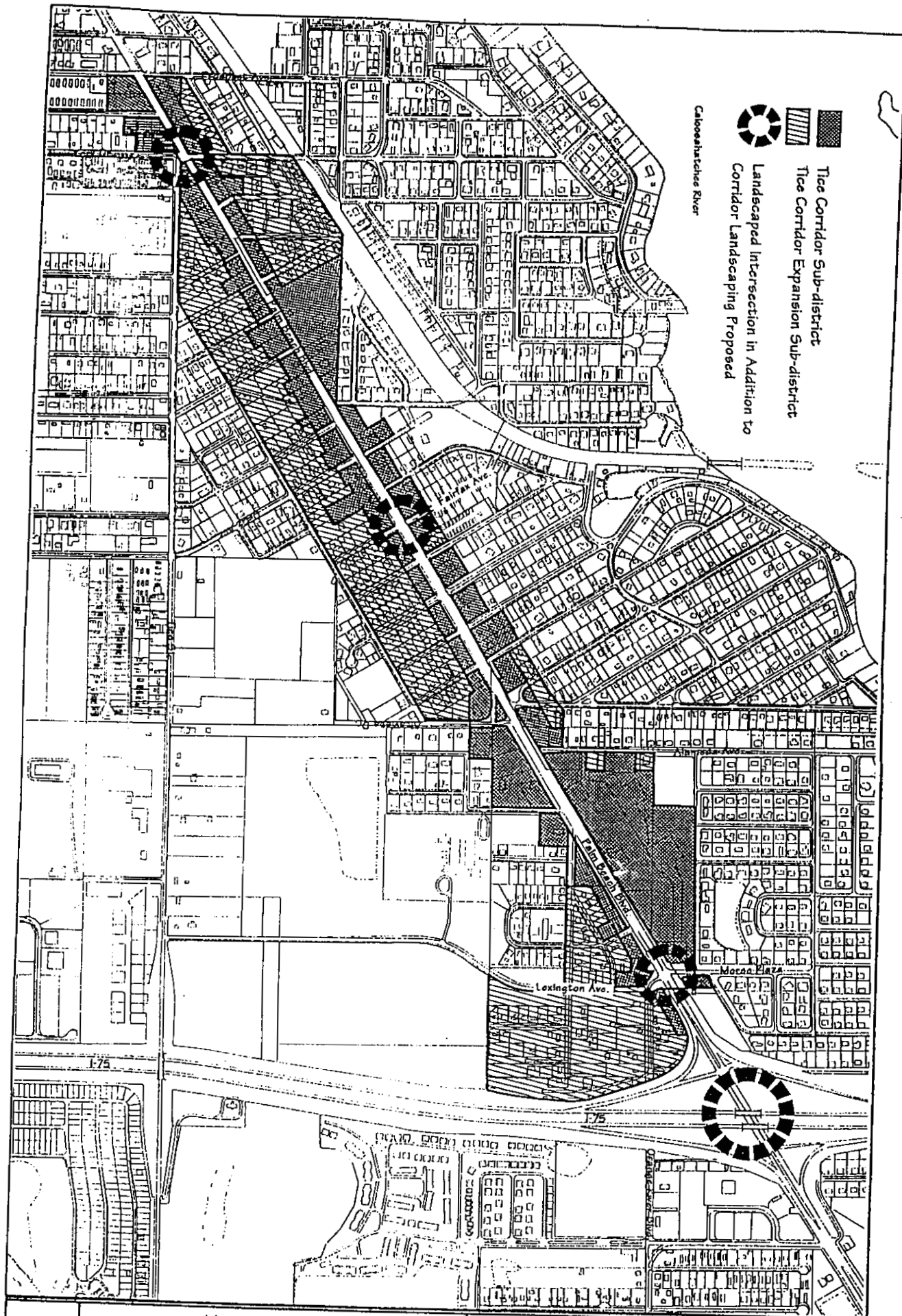
BEGIN AT A POINT ON THE NORTH LINE OF SECTION 3, TOWNSHIP 44 SOUTH, RANGE 25 EAST, ALSO BEING THE WEST RIGHT OF WAY OF ORANGE RIVER BLVD.; THENCE SOUTH ALONG SAID WEST RIGHT OF WAY AND IT'S PROLONGATION TO THE NORTH LINE OF PINERIDGE AT FORT MYERS VILLAGE AS RECORDED IN O.R. 2565, PAGE 3647; THENCE WEST; THENCE SOUTH; THENCE WEST ALONG SAID PINERIDGE AT FORT MYERS VILLAGE AND IT'S PROLONGATION TO THE WEST RIGHT OF WAY OF 1-75; THENCE SOUTHWESTERLY ALONG THE SAID WEST RIGHT OF WAY OF 1-75 TO THE SOUTHEAST CORNER OF A PARCEL OF LAND RECORDED IN O.R. 1632, PAGE 1680; THENCE WEST, THENCE NORTH ALONG SAID PARCEL AND IT'S PROLONGATION LINE TO THE NORTH RIGHT OF WAY OF RICHMOND AVENUE; THENCE WEST ALONG SAID NORTH RIGHT OF WAY OF RICHMOND AVENUE TO THE WEST LINE OF THE EAST ½ OF THE EAST ½ OF THE SOUTHWEST ¼ OF THE NORTHWEST ¼ OF SAID SECTION 3; THENCE SOUTH ALONG THE SAID WEST LINE TO THE SOUTH LINE OF THE NORTHWEST ¼ OF SAID SECTION 3; THENCE WEST ALONG SAID SOUTH LINE TO THE NORTHEAST CORNER OF A PARCEL OF LAND RECORDED IN O.R. 2843, PAGE 3685; THENCE SOUTH, THENCE WEST ALONG SAID PARCEL TO THE WEST LINE OF THE SOUTHWEST ¼ OF SAID SECTION 3; THENCE SOUTH ALONG THE SAID WEST LINE TO AN INTERSECTION WITH THE PROLONGATION LINE OF THE NORTH RIGHT OF WAY OF GARCIA AVE.; THENCE SOUTHWESTERLY ALONG SAID NORTH RIGHT OF WAY OF GARCIA AVE. TO THE EASTERLY LINE OF LOT 5 BLOCK 1 OF PLAT BOOK 1, PAGE 53; THENCE SOUTHEASTERLY ALONG SAID EASTERLY LINE OF LOT 5 TO THE NORTH LINE OF A 20 FOOT WIDE ALLEY AS RECORDED IN PLAT BOOK 1, PAGE 53; THENCE SOUTHWESTERLY ALONG SAID NORTH LINE TO THE SOUTH LINE OF THE SOUTHWEST ¼ OF SECTION 4, TOWNSHIP 44 SOUTH, RANGE 25 EAST; THENCE WEST ALONG THE SAID SOUTH LINE TO A PROLONGATION LINE OF THE WEST RIGHT OF WAY OF NEW YORK DRIVE; THENCE SOUTH ALONG SAID WEST RIGHT OF WAY TO THE SOUTHEAST CORNER OF LOT 9 OF MONTGOMERY'S SUBDIVISION, PLAT BOOK 9, PAGE 22; THENCE WEST ALONG THE SOUTH LINE OF SAID LOT 9 TO THE WEST LINE OF SAID MONTGOMERY'S SUBDIVISION; THENCE SOUTH ALONG THE WEST LINE OF SAID MONTGOMERY'S SUBDIVISION TO THE SOUTHEAST CORNER OF A PARCEL OF LAND RECORDED IN O.R. 1831, PAGE 4058; THENCE WEST AND NORTH ALONG SAID PARCEL TO A PROLONGATION LINE OF THE SOUTH LINE OF LOT 16, OF BLOCK A OF EASTLAND PARK, PLAT BOOK 7, PAGE 47, THENCE WEST ALONG SAID SOUTH LINE OF SAID LOT 16 TO THE SOUTHEAST CORNER OF SAID LOT 16 OF BLOCK A; THENCE SOUTH ALONG THE EAST LINE OF LOT 24, 23, AND 22 OF BLOCK A OF SAID EASTLAND PARK; THENCE WEST ALONG THE SOUTH LINE OF SAID LOT 22 TO THE EAST RIGHT OF WAY OF PROSPECT AVENUE; THENCE NORTH ALONG SAID EAST RIGHT OF WAY TO THE SOUTH LINE OF THE SEABOARD COASTLINE RAILROAD RIGHT OF WAY; THENCE NORTHEASTERLY ALONG SAID SOUTH RIGHT OF WAY TO THE NORTH LINE OF THE SOUTH ½ OF THE SOUTHWEST ¼ OF SAID SECTION 4; THENCE EAST ALONG SAID NORTH LINE TO THE EAST RIGHT OF WAY OF ROYAL PALM PARK ROAD; THENCE NORTH ALONG SAID EAST RIGHT OF WAY TO THE NORTHWEST CORNER OF A PARCEL OF LAND RECORDED IN O.R. 1941, PAGE 2440, THENCE NORTHEASTERLY ALONG THE NORTHERLY LINE OF SAID PARCEL AND IT'S PROLONGATION TO THE EASTERLY RIGHT OF WAY OF FLORENCE AVENUE; THENCE SOUTHEASTERLY ALONG THE SAID EASTERLY RIGHT OF WAY TO THE NORTHWEST CORNER OF A PARCEL OF LAND RECORDED IN O.R. 347, PAGE 856; THENCE NORTHEASTERLY ALONG THE NORTHERLY LINE OF SAID PARCEL TO THE NORTHWEST CORNER OF A PARCEL OF LAND RECORDED IN O.R. 892, PAGE 149, THENCE NORTHEASTERLY ALONG THE NORTHERLY LINE OF SAID PARCEL AND IT'S PROLONGATION TO THE EAST RIGHT OF WAY OF FLAMINGO DRIVE; THENCE SOUTHEASTERLY ALONG SAID EAST RIGHT OF WAY TO THE NORTHWEST CORNER OF LOT 5 OF BLOCK 2 OF MARION SQUARE, PLAT BOOK 7, PAGE 11, THENCE NORTHEASTERLY AND

EXHIBIT "1"

SOUTHEASTERLY ALONG SAID LOT 5 TO THE NORTHWEST CORNER OF LOT 3 OF BLOCK B OF MERRIMACK, PLAT BOOK 9, PAGE 1; THENCE NORTHEASTERLY ALONG SAID LOT 3 AND IT'S PROLONGATION TO THE EAST RIGHT OF WAY OF FAIRFAX AVE.; THENCE NORTHWESTERLY ALONG SAID EAST RIGHT OF WAY TO THE NORTHWEST CORNER OF LOT 4 OF BLOCK A, OF SAID MERRIMACK, THENCE NORTHEASTERLY ALONG SAID LOT 4 TO THE WESTERLY LINE OF RUSSELL PARK, PLAT BOOK 8, PAGE 25, THENCE NORTHWESTERLY ALONG SAID WESTERLY LINE TO THE NORTHWEST CORNER OF LOT 705 OF BLOCK 21, THENCE NORTHEASTERLY ALONG THE NORTHERLY LINE OF SAID LOT 705 TO THE WESTERLY RIGHT OF WAY OF BELLAIR RD.; THENCE SOUTHEASTERLY ALONG SAID RIGHT OF WAY TO A PROLONGATION LINE OF THE NORTH LINE OF LOTS 687 AND 577 OF BLOCK 14 OF SAID RUSSELL PARK; THENCE NORTHEASTERLY ALONG SAID LOT LINES TO THE WESTERLY RIGHT OF WAY OF BUENA VISTA BOULEVARD; THENCE SOUTHEASTERLY ALONG SAID RIGHT OF WAY TO A PROLONGATION LINE OF LOTS 642 AND 631 OF BLOCK 13 OF SAID RUSSELL PARK, THENCE NORTHEASTERLY ALONG SAID LOTS AND THEIR PROLONGATION TO THE EASTERLY RIGHT OF WAY OF BALBOA AVENUE; THENCE NORTHWESTERLY ALONG SAID EASTERLY RIGHT OF WAY TO THE NORTHWEST CORNER OF LOT 495 OF BLOCK 12 OF SAID RUSSELL PARK; THENCE NORTHEASTERLY, AND SOUTHEASTERLY ALONG SAID LOT 495 TO THE NORTHWEST CORNER OF LOT 483 OF BLOCK 12 OF SAID RUSSELL PARK; THENCE NORTHEASTERLY ALONG SAID LOT 483 TO THE WESTERLY RIGHT OF WAY OF MIRAMAR ROAD THENCE NORTHEASTERLY TO THE NORTHWEST CORNER OF LOT 446 OF BLOCK 11; THENCE NORTHEASTERLY ALONG THE NORTH LINE OF SAID LOT 446 TO THE NORTHWEST CORNER OF LOT 435 OF BLOCK 11 OF RUSSELL PARK, PLAT BOOK 6, PAGE 12, THENCE NORTHEASTERLY ALONG THE NORTH LINE OF SAID LOT 435 TO THE WEST RIGHT OF WAY OF GRANADA BOULEVARD; THENCE NORTHEASTERLY TO THE NORTHWESTERLY CORNER OF LOT 393 OF BLOCK 10 OF SAID RUSSELL PARK; THENCE NORTHEASTERLY AND SOUTHEASTERLY ALONG SAID LOT 393 TO THE SOUTHWEST CORNER OF A PARCEL OF LAND RECORDED IN O.R. 2900, PAGE 249, THENCE NORTHEASTERLY ALONG SAID PARCEL TO THE WEST RIGHT OF WAY OF KINGSTON DRIVE; THENCE NORTH ALONG THE SAID WEST RIGHT OF WAY TO THE PROLONGATION OF THE NORTH LINE OF LOT 59 OF BLOCK 1 OF SAID RUSSELL PARK; THENCE EASTERLY ALONG SAID NORTH LINE OF LOT 59 TO THE NORTHWEST CORNER OF LOT 16 OF BLOCK B OF KINGSTON MANOR, PLAT BOOK 7, PAGE 5; THENCE EAST ALONG THE NORTH LINE OF SAID LOT 16 AND IT'S PROLONGATION TO THE EAST RIGHT OF WAY OF ALAMEDA AVENUE; THENCE NORTH ALONG THE SAID EAST RIGHT OF WAY TO THE SOUTH RIGHT OF WAY OF MADONNA LANE; THENCE EAST ALONG THE SOUTH RIGHT OF WAY OF MADONNA LANE TO THE EAST RIGHT OF WAY OF MORSE PLAZA; THENCE NORTH ALONG SAID EAST RIGHT OF WAY TO THE SOUTH RIGHT OF WAY OF BROWNING DRIVE; THENCE NORTHEASTERLY ALONG THE SAID SOUTH RIGHT OF WAY TO THE NORTHEAST CORNER OF A PARCEL OF LAND RECORDED IN O.R. 2745, PAGE 1598, THENCE SOUTH ALONG THE EAST LINE OF SAID PARCEL TO THE NORTH RIGHT OF WAY OF PALM BEACH BOULEVARD; THENCE NORTHEASTERLY ALONG THE SAID NORTH RIGHT OF WAY TO THE WESTERLY RIGHT OF WAY OF 1-75; THENCE NORTHERLY ALONG THE SAID WEST RIGHT OF WAY TO THE NORTH LINE OF SAID SECTION 3, THENCE EAST ALONG THE SAID NORTH LINE TO THE POINT OF BEGINNING.

LESS AND EXCEPTING ALL ROAD RIGHT OF WAYS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHT OF WAY OF RECORD.



Caloosahatchee River



Tice Corridor Sub-district
Tice Corridor Expansion Sub-district

Landscaped Intersection in Addition to
Corridor Landscaping Proposed

Master Site Plan
Tice Area Overlay District
September 14, 1998



Florida Land Planning, Inc.
1342 Colonial Boulevard, Suite 60
Fort Myers, FL 33907
Phone: 941-278-5222

Scale: N.T.S.

FORT MYERS SHORES ZONING OVERLAY LEGAL DESCRIPTION

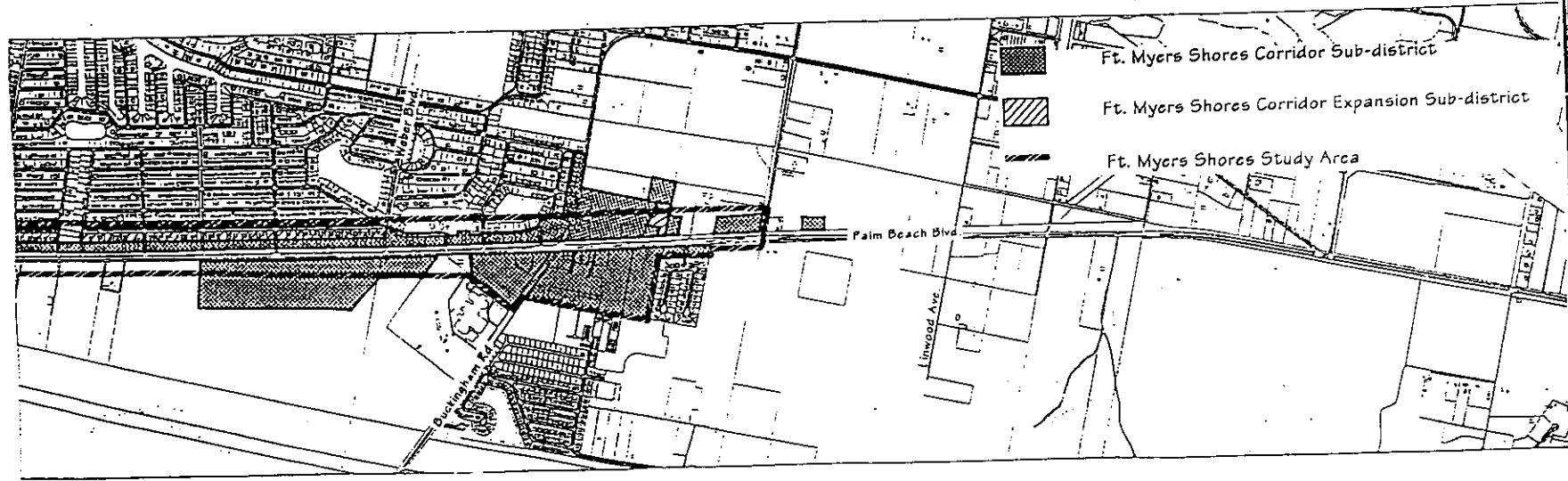
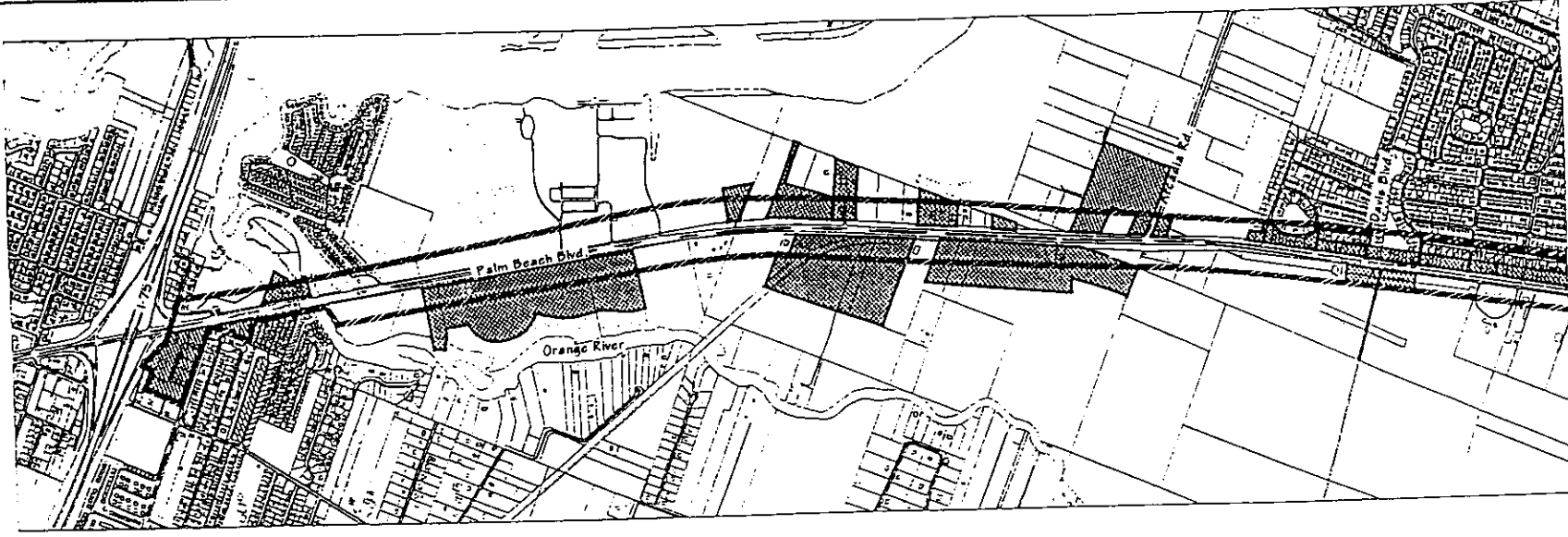
A PARCEL OF LAND LYING IN PART OF SECTION 25, 34, 35 AND 36, TOWNSHIP 43 SOUTH, RANGE 25 EAST, SECTION 28, 29, 30, 31, 32, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE CENTERLINE OF LOUISE STREET AND THE NORTH RIGHT OF WAY OF PALM BEACH BOULEVARD (S.R. 80); THENCE EASTERLY ALONG SAID RIGHT OF WAY TO THE EAST LINE OF DOS RIOS, AS RECORDED IN PLAT BOOK 12, PAGE 4, OF THE PUBLIC RECORD OF LEE COUNTY, FLORIDA, THENCE NORTH ALONG SAID EAST LINE TO THE INTERSECTION WITH THE NORTH LINE OF A PARCEL OF LAND DESCRIBED IN O.R. 352, PAGE 190, PARAGRAPH 4; THENCE EASTERLY, NORTHEASTERLY, AND SOUTHEASTERLY ALONG SAID PARCEL TO THE NORTHWEST CORNER OF A PARCEL OF LAND AS DESCRIBED IN O.R. 2939, PAGE 842; THENCE EASTERLY AND SOUTHEASTERLY ALONG SAID PARCEL TO THE NORTH RIGHT OF WAY OF PALM BEACH BOULEVARD (S. R. 80); THENCE NORTHEASTERLY ALONG SAID NORTH RIGHT OF WAY TO THE EAST RIGHT OF WAY OF SHORELAND DRIVE, THENCE NORTHWESTERLY ALONG SAID EAST RIGHT OF WAY TO A POINT 500 FEET PERPENDICULAR TO THE NORTH RIGHT OF WAY OF PALM BEACH BOULEVARD (S.R. 80); THENCE NORTHEASTERLY ALONG A LINE 500 FEET NORTHERLY AND PARALLEL WITH THE NORTH RIGHT OF WAY OF PALM BEACH BOULEVARD (S.R. 80) TO THE WEST LINE OF A PARCEL OF LAND DESCRIBED IN O.R. 1254, PAGE 1878; THENCE NORTHERLY, EASTERLY, SOUTHERLY, AND EASTERLY ALONG SAID PARCEL; THENCE CONTINUE EASTERLY ALONG THE PROLONGATION OF SAID LINE TO THE INTERSECTION WITH THE SOUTHERLY PROLONGATION LINE OF THE WEST LINE OF A PARCEL OF LAND DESCRIBED IN O.R. 2627, PAGE 3366; THENCE NORTHWESTERLY ALONG SAID LINE TO THE NORTH LINE OF SAID SECTION 36; THENCE EASTERLY ALONG SAID NORTH LINE TO THE NORTHEAST CORNER OF A PARCEL OF LAND DESCRIBED IN O.R. 2083, PAGE 2644; THENCE NORTHEASTERLY TO THE NORTHEAST CORNER OF A PARCEL OF LAND DESCRIBED IN O.R. 581, PAGE 632; THENCE NORTH ALONG THE WEST LINE OF A PARCEL OF LAND DESCRIBED IN O.R. 2070, PAGE 1444, THENCE EAST ALONG THE NORTH LINE OF SAID PARCEL AND ITS PROLONGATION TO THE EAST RIGHT OF WAY OF ARCADIA ROAD (S.R. 31), THENCE SOUTH ALONG SAID EAST RIGHT OF WAY TO THE NORTHWEST CORNER OF A PARCEL OF LAND DESCRIBED IN O.R. 3018, PAGE 712; THENCE EAST ALONG THE NORTH LINE OF SAID PARCEL TO THE WEST LINE OF FORT MYERS SHORES, UNIT 1, AS RECORDED IN PLAT BOOK 19, PAGES 151-154, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE SOUTH ALONG SAID WEST LINE TO THE NORTH LINE OF LOT 11 OF SAID FORT MYERS SHORES, UNIT 1; THENCE EAST ALONG SAID NORTH LINE AND ITS PROLONGATION TO THE NORTH RIGHT OF WAY OF FIRST STREET; THENCE SOUTHEASTERLY, EASTERLY AND NORTHERLY ALONG SAID NORTH RIGHT OF WAY TO A POINT OF INTERSECTION OF SAID RIGHT OF WAY AND THE WESTERLY PROLONGATION OF THE SOUTHERLY LINE OF LOTS 20 THRU 34 OF BLOCK 4 OF SAID FORT MYERS SHORES, UNIT 1, BEING THE NORTHERLY RIGHT OF WAY OF FIRST STREET; THENCE NORTHEASTERLY ALONG SAID LINE AND ITS PROLONGATION TO THE EAST RIGHT OF WAY OF DAVIS BOULEVARD; THENCE SOUTH ALONG THE SAID EAST RIGHT OF WAY TO THE NORTHWEST CORNER OF LOT 26 OF BLOCK 8 OF SAID FORT MYERS SHORES, UNIT 1; THENCE EAST ALONG THE NORTH LINE OF LOT 26 THRU LOT 51 OF BLOCK 8 TO THE WEST RIGHT OF WAY OF PARKVIEW DRIVE; THENCE NORTH ALONG SAID WEST RIGHT OF WAY TO A WESTERLY PROLONGATION LINE OF THE NORTH RIGHT OF WAY OF FIRST STREET; THENCE EAST ALONG SAID LINE AND ITS PROLONGATION EAST TO THE EAST RIGHT OF WAY OF WEST CYPRESS AVENUE; THENCE NORTH ALONG SAID EAST RIGHT OF WAY TO THE NORTH LINE OF LOT 29 OF BLOCK 36 OF FORT MYERS SHORES, UNIT 3, PLAT BOOK 10, PAGES 26-28, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, THENCE EAST ALONG THE NORTH LINE OF LOT 29 AND LOT 46 OF BLOCK 36, OF SAID FORT MYERS SHORES, UNIT 3, TO THE WEST RIGHT OF WAY LINE OF EAST CYPRESS AVENUE; THENCE NORTH ALONG SAID WEST RIGHT OF WAY TO THE

INTERSECTION OF SAID WEST RIGHT OF WAY AND A WESTERLY PROLONGATION LINE OF THE NORTH RIGHT OF WAY OF FIRST STREET; THENCE EAST ALONG SAID NORTH RIGHT OF WAY AND ITS PROLONGATION TO THE EAST RIGHT OF WAY LINE OF WEBER BOULEVARD; THENCE SOUTH ALONG SAID RIGHT OF WAY TO THE NORTH RIGHT OF WAY OF MATANZAS DRIVE; THENCE EAST ALONG SAID RIGHT OF WAY TO THE NORTH LINE OF LOT 1 OF BLOCK 58 OF FORT MYERS SHORES, UNIT 6, AS RECORDED IN PLAT BOOK 17, PAGES 75-79, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE EAST ALONG THE NORTH LINE OF LOT 1 THRU LOT 6 OF BLOCK 59 OF SAID FORT MYERS SHORES, UNIT 6, TO THE WEST LINE OF LOT 7 OF SAID BLOCK 58; THENCE NORTH ALONG SAID WEST LINE OF LOT 7 TO THE NORTH LINE OF SAID LOT 7; THENCE EAST ALONG THE NORTH LINE OF LOTS 7 THRU 11 OF SAID BLOCK 58; THENCE NORTHEASTERLY, SOUTHEASTERLY AND NORTHEASTERLY ALONG THE NORTH LINE OF LOT 19 AND ITS PROLONGATION NORTHEASTERLY TO THE NORTH RIGHT OF WAY OF MONTEGO DRIVE; THENCE NORTHEASTERLY ALONG SAID RIGHT OF WAY TO THE INTERSECTION OF THE WESTERLY PROLONGATION LINE OF THE SOUTH LINE OF LOT 53 OF BLOCK 59 OF SAID FORT MYERS SHORES, UNIT 6; THENCE SOUTHEASTERLY ALONG THE SOUTH LINE OF SAID LOT 53 TO THE WEST LINE OF A 20 FOOT WIDE ALLEY IN SAID BLOCK 59; THENCE NORTH ALONG SAID WEST LINE OF SAID ALLEY TO THE SOUTH RIGHT OF WAY OF CARIBBEAN BOULEVARD; THENCE EAST ALONG SAID RIGHT OF WAY AND ITS PROLONGATION TO THE EAST RIGHT OF WAY OF OLD OLGA ROAD (S.R. S-80-A); THENCE SOUTH ALONG SAID RIGHT OF WAY TO THE SOUTHWEST CORNER OF A PARCEL OF LAND DESCRIBED IN O.R. 397, PAGE 289; THENCE EASTERLY ALONG THE SOUTH LINE OF SAID PARCEL TO THE SOUTHEAST CORNER OF SAID PARCEL; THENCE NORTHEASTERLY TO THE NORTHWEST CORNER OF A PARCEL OF LAND DESCRIBED IN O.R. 2264, PAGE 684; THENCE EASTERLY ALONG THE NORTH LINE OF SAID PARCEL AND ITS PROLONGATION EAST TO THE EAST RIGHT OF WAY OF SOUTH OLGA DRIVE; THENCE SOUTHERLY ALONG SAID RIGHT OF WAY AND ITS PROLONGATION TO THE SOUTHERLY RIGHT OF WAY OF PALM BEACH BOULEVARD (S. R. 80); THENCE SOUTHWEST ALONG SAID RIGHT OF WAY TO THE NORTHEAST CORNER OF A PARCEL OF LAND DESCRIBED IN O.R. 1207, PAGE 1157; THENCE SOUTH ALONG THE EAST LINE OF SAID PARCEL TO THE NORTHEAST CORNER OF LOT 40 OF RIVERDALE ESTATES, AS RECORDED IN PLAT BOOK 29, PAGES 85-88 OF SAID PUBLIC RECORDS; THENCE SOUTHWESTERLY ALONG THE NORTH LINE OF SAID LOT 40 AND ITS PROLONGATION TO THE WEST LINE OF SAID RIVERDALE ESTATES; THENCE SOUTH ALONG SAID WEST LINE TO THE SOUTH LINE OF THE NORTH HALF OF SAID SECTION 28; THENCE WEST ALONG SAID LINE TO THE EAST RIGHT OF WAY OF BUCKINGHAM ROAD; THENCE WEST TO THE SOUTHEAST CORNER OF A PARCEL OF LAND DESCRIBED IN O.R. 2488, PAGE 646, ALSO BEING A POINT ON THE WEST RIGHT OF WAY OF BUCKINGHAM ROAD; THENCE NORTHWESTERLY AND NORTH NORTHWESTERLY, ALONG SAID PARCEL TO THE SOUTH RIGHT OF WAY OF PALM BEACH BOULEVARD (S. R. 80); THENCE SOUTHWESTERLY ALONG SAID RIGHT OF WAY TO THE NORTHEAST CORNER OF A PARCEL OF LAND DESCRIBED IN O.R. 1407, PAGE 1606; THENCE SOUTHEASTERLY, AND NORTHWESTERLY ALONG SAID PARCEL TO THE SOUTH RIGHT OF WAY OF PALM BEACH BOULEVARD (S. R. 80); THENCE SOUTHWESTERLY ALONG SAID RIGHT OF WAY TO THE NORTHWEST CORNER OF A PARCEL OF LAND DESCRIBED IN O.R. 646, PAGE 663; THENCE SOUTHWESTERLY ALONG THE WEST LINE OF SAID PARCEL TO A POINT 500 FEET PERPENDICULAR TO THE SOUTH RIGHT OF WAY OF PALM BEACH BOULEVARD (S.R. 80); THENCE SOUTHWESTERLY ALONG A LINE 500 FEET SOUTHERLY AND PARALLEL WITH SAID SOUTH RIGHT OF WAY TO THE EAST LINE SAID SECTION 36; THENCE SOUTH ALONG THE SAID EAST LINE TO THE SOUTHEAST CORNER OF THE NORTH ½ OF THE NORTH ½ OF SAID SECTION 36; THENCE WEST ALONG THE SOUTH LINE OF THE NORTH ½, OF THE NORTH ½ OF SECTION 36 TO THE EAST LINE OF A PARCEL OF LAND DESCRIBED IN O.R. 1840, PAGE 1481; THENCE SOUTH ALONG SAID PARCEL AND ITS PROLONGATION TO THE SOUTH LINE OF A PARCEL OF LAND DESCRIBED IN O.R. 1655, PAGE 2882; THENCE WEST ALONG THE SOUTH LINE OF SAID PARCEL AND ITS PROLONGATION TO THE INTERSECTION WITH A PROLONGATION LINE OF THE WEST LINE OF A PARCEL OF LAND DESCRIBED IN O.R. 1991, PAGE 3484, EXHIBIT B; THENCE NORTH ALONG SAID WEST LINE TO A POINT 500 FEET PERPENDICULAR TO THE SOUTH RIGHT OF WAY OF PALM BEACH BOULEVARD (S. R. 80); THENCE SOUTHWESTERLY ALONG A LINE 500 FEET SOUTHERLY

AND PARALLEL WITH THE SOUTH RIGHT OF WAY OF PALM BEACH BOULEVARD TO THE EASTERLY LINE OF A PARCEL OF LAND DESCRIBED IN O.R. 2619, PAGE 900; THENCE SOUTHEAST ALONG SAID EASTERLY LINE OF SAID PARCEL TO THE NORTHERLY MEAN HIGH WATER LINE OF ORANGE RIVER; THENCE MEANDOR SOUTHWESTERLY AND NORTHWESTERLY ALONG SAID MEAN HIGH WATER LINE OF ORANGE RIVER TO THE SOUTH RIGHT OF WAY OF PALM BEACH BOULEVARD; THENCE SOUTHWEST ALONG SAID RIGHT OF WAY TO THE NORTHWEST CORNER OF SUN N FUN COOPERATIVE MOBILE HOME PARK AS RECORDED IN O.R. 2350, PAGE 3762; THENCE SOUTH ALONG THE WEST LINE OF SAID SUN N FUN TO THE SOUTH LINE OF SAID SECTION 34; THENCE WEST ALONG SAID SOUTH LINE TO THE EAST RIGHT OF WAY OF ORANGE RIVER BOULEVARD; THENCE SOUTH ALONG THE SAID EAST RIGHT OF WAY TO THE INTERSECTION WITH AN EASTERLY PROLONGATION OF THE SOUTH LINE OF ORANGE RIVER CENTER AS RECORDED IN PLAT BOOK 48, PAGE 67 OF SAID PUBLIC RECORDS; THENCE WEST ALONG SAID SOUTH LINE TO THE WEST LINE OF SAID ORANGE RIVER CENTER; THENCE NORTH ALONG SAID WEST LINE TO THE SOUTH LINE OF A PARCEL OF LAND DESCRIBED IN O.R. 2238, PAGE 2730; THENCE WEST ALONG SAID PARCEL TO THE EAST RIGHT OF WAY OF 1-75; THENCE NORTHERLY ALONG SAID RIGHT OF WAY TO AN INTERSECTION WITH A SOUTHERLY PROLONGATION LINE OF THE CENTERLINE OF LOUISE STREET; THENCE NORTHERLY ALONG SAID LINE TO THE POINT OF BEGINNING.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD.



Ft. Myers Shores Corridor Sub-district
 Ft. Myers Shores Corridor Expansion Sub-district
 Ft. Myers Shores Study Area

Scale: N.T.S.

Florida Land Planning, Inc.
 1312 Colonial Boulevard, Suite 80
 Fort Myers, FL 33907
 Phone: 941-275-5222



Master Site Plan
 Fort Myers Shores
 Redevelopment Overlay District
 September 14, 1998



NORTH FORT MYERS ZONING OVERLAY LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTIONS 22, 26, 27, 34, AND 35, TOWNSHIP 43 SOUTH, 24 EAST, AND SECTIONS 2 AND 11, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY FLORIDA, DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF A PARCEL OF LAND DESCRIBED IN O.R. 368, PAGE 116; THENCE SOUTH, ALONG THE EAST LINE OF O.R. 368, PAGE 116 TO THE SOUTH RIGHT OF WAY OF SAN SOUCI DR.; THENCE WEST ALONG SAID RIGHT OF WAY TO THE NORTHWEST CORNER OF LAKE ARROWHEAD MOBILE HOME VILLAGE, AS DESCRIBED IN PLAT BOOK 37, PAGE 57; THENCE SOUTH, NORTHEASTERLY AND SOUTHEASTERLY ALONG SAID LAKE ARROWHEAD MOBILE HOME VILLAGE TO THE NORTHWEST CORNER OF LAKE ARROWHEAD MOBILE HOME VILLAGE, PHASE 2 AS DESCRIBED IN PLAT BOOK 33, PAGE 69; THENCE CONTINUE SOUTHEASTERLY, AND EAST ALONG SAID LAKE ARROWHEAD MOBILE HOME VILLAGE, PHASE 2, TO A POINT ON THE WEST LINE OF LAUREL ESTATES, UNIT 2, UNRECORDED; THENCE SOUTHEASTERLY ALONG LAUREL ESTATES, UNIT 2, TO THE NORTHWEST CORNER OF LAUREL ESTATES MOBILE HOME VILLAGE, UNRECORDED, THENCE CONTINUE SOUTHEASTERLY, SOUTH AND EAST ALONG LAUREL ESTATES MOBILE HOME VILLAGE, UNRECORDED, TO THE EAST LINE OF SECTION 27, TOWNSHIP 43 SOUTH, RANGE 24 EAST, LEE COUNTY FLORIDA; THENCE SOUTH ALONG SAID SECTION LINE TO THE SOUTHWEST CORNER OF LAZY DAY'S MOBILE HOME VILLAGE, UNIT 2, UNRECORDED; THENCE EAST ALONG THE SOUTH LINE OF SAID LAZY DAY'S MOBILE HOME VILLAGE, TO THE NORTHWEST CORNER OF LAZY DAY'S MOBILE HOME VILLAGE, UNRECORDED; THENCE SOUTH AND EAST ALONG LAZY DAY'S MOBILE HOME VILLAGE, UNRECORDED, TO THE SOUTHEAST CORNER OF LOT 27 OF LAZY DAY'S MOBILE HOME VILLAGE, UNRECORDED; THENCE SOUTHEASTERLY TO A POINT 500 FEET EAST OF THE EASTERLY RIGHT OF WAY OF NORTH TAMiami TRAIL AND PROLONGATION LINE OF THE NORTH RIGHT OF WAY OF LITTLETON ROAD; THENCE WEST ALONG SAID PROLONGATION LINE AND NORTH RIGHT OF WAY OF LITTLETON ROAD TO THE SOUTHWEST CORNER OF A PARCEL OF LAND DESCRIBED IN O.R. 1010, PAGE 196; THENCE NORTH ALONG THE WEST LINE OF SAID PARCEL TO THE SOUTH LINE OF A PARCEL OF LAND DESCRIBED IN O.R. 1351, PAGE 1362; THENCE WEST ALONG SOUTH LINE OF SAID PARCEL TO THE SOUTHWEST CORNER OF SAID PARCEL; THENCE NORTH ALONG WEST LINE OF SAID PARCEL AND A PARCEL OF LAND DESCRIBED IN O.R. 1334, PAGE 2321, TO THE SOUTH LINE OF A PARCEL OF LAND DESCRIBED IN O.R. 2681, PAGE 3732, THENCE WEST TO THE SOUTHWEST CORNER OF SAID PARCEL; THENCE NORTH ALONG SAID PARCEL AND IT'S PROLONGATION LINE TO THE SOUTHEAST CORNER OF A PARCEL OF LAND DESCRIBED IN O.R. 2013, PAGE 2413; THENCE WEST, NORTHERLY, NORTHWESTERLY, SOUTHWESTERLY, AND WESTERLY ALONG SAID PARCEL TO THE EAST RIGHT OF WAY OF U.S. 41; THENCE NORTHWESTERLY ALONG SAID RIGHT OF WAY TO A PROLONGATION LINE OF THE NORTH RIGHT OF WAY OF SAN SOUCI DR.; THENCE EAST ALONG SAID PROLONGATION LINE TO THE SOUTHWEST CORNER OF A PARCEL OF LAND DESCRIBED IN O.R. 368, PAGE 116 AND EAST RIGHT OF WAY OF NORTH TAMiami TRAIL; THENCE NORTHWESTERLY ALONG SAID RIGHT OF WAY TO THE NORTHWEST CORNER OF SAID PARCEL OF LAND; THENCE EAST ALONG SAID PARCEL TO THE POINT OF BEGINNING. TOGETHER WITH A PARCEL OF LAND DESCRIBED AS FOLLOWS:

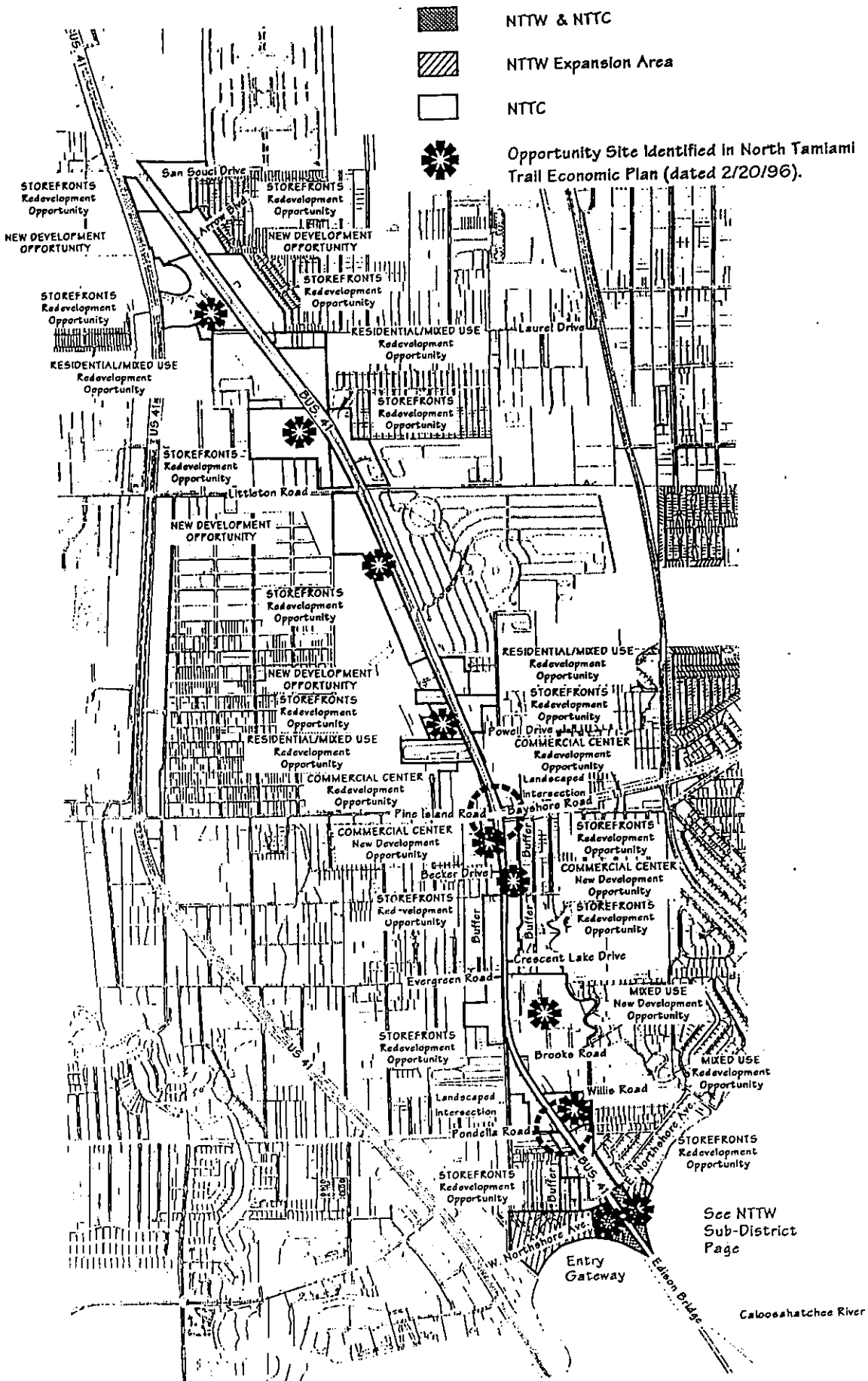
BEGIN AT THE NORTHEAST CORNER OF A PARCEL OF LAND DESCRIBED IN O.R. 1281, PAGE 1943, AND THE WEST RIGHT OF WAY OF NORTH TAMiami TRAIL; THENCE SOUTHEASTERLY ALONG SAID RIGHT OF WAY TO AN INTERSECTION WITH A PROLONGATION LINE BEING THE NORTH LINE OF A PARCEL OF LAND DESCRIBED IN O.R. 1013, PAGE 1574; THENCE EAST ALONG SAID LINE TO THE NORTHWEST CORNER OF DOMIER HEIGHTS, PLAT BOOK 22, PAGE 28; THENCE SOUTH AND EAST ALONG SAID DOMIER HEIGHTS, TO THE WEST RIGHT OF WAY OF QUEEN STREET; THENCE SOUTH ALONG THE WEST RIGHT OF WAY OF QUEEN STREET TO THE SOUTH RIGHT OF WAY OF POWELL DRIVE; THENCE EAST ALONG SAID RIGHT OF WAY TO THE NORTHWEST CORNER OF HANSON'S SUBDIVISION NO. 2 UNRECORDED; THENCE SOUTH ALONG WEST LINE OF HANSON'S SUBDIVISION

NO. 2 UNRECORDED, ALSO BEING A PROLONGATION LINE TO THE NORTH RIGHT OF WAY OF S.R. 78; THENCE WEST ALONG THE NORTH RIGHT OF WAY OF S.R. 78 AND IT'S PROLONGATION LINE THROUGH NORTH TAMiami TRAIL; THENCE CONTINUE ALONG THE NORTH RIGHT OF WAY OF S.R. 78 TO THE SOUTHEAST CORNER OF SULINDA SUBDIVISION, PLAT BOOK 10, PAGE 132; THENCE NORTH ALONG THE EAST LINE OF SAID SULINDA SUBDIVISION TO THE NORTHEAST CORNER OF SULINDA SUBDIVISION; THENCE WEST ALONG THE NORTH LINE OF SULINDA SUBDIVISION AND IT'S PROLONGATION LINE TO THE WEST LINE OF SECTION 35, TOWNSHIP 43 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA; THENCE NORTH ALONG SAID SECTION LINE TO THE SOUTHEAST CORNER OF A PARCEL OF LAND DESCRIBED IN O.R. 1281, PAGE 1943, THENCE WESTERLY, NORTHWESTERLY, WESTERLY, AND NORTHERLY ALONG SAID PARCEL TO THE SOUTH RIGHT OF WAY OF LITTLETON ROAD; THENCE EAST ALONG SAID SOUTH RIGHT OF WAY TO THE POINT OF BEGINNING.

TOGETHER WITH A PARCEL OF LAND DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE SOUTH RIGHT OF WAY OF S.R. 78 AND THE WEST RIGHT OF WAY OF CRESENT LAKE DRIVE; THENCE SOUTH ALONG THE SAID WEST RIGHT OF WAY OF CRESENT LAKE DRIVE TO THE NORTH LINE OF A PARCEL OF LAND DESCRIBED IN O.R. 2468, PAGE 199; THENCE EAST; THENCE SOUTH ALONG SAID PARCEL TO THE NORTH LINE OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 2, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA; THENCE EAST ALONG THE SAID $\frac{1}{4}$ SECTION LINE TO MEAN HIGH WATER LINE OF POWELL CREEK; THENCE MEANDER SOUTHERLY ALONG THE SAID MEAN HIGH WATER LINE TO THE NORTH RIGHT OF WAY OF BROOKS ROAD; THENCE SOUTHWESTERLY ALONG THE SAID NORTH RIGHT OF WAY TO A INTERSECTION OF A PROLONGATION LINE OF THE WEST RIGHT OF WAY OF LAVIN LANE; THENCE SOUTH ALONG THE WEST RIGHT OF WAY OF LAVIN LANE AND THE WEST RIGHT OF WAY OF HARBOR DR. AND IT'S PROLONGATION LINE TO THE SOUTH RIGHT OF WAY OF E. NORTH SHORE AVENUE; THENCE EASTERLY ALONG SAID RIGHT OF WAY TO THE NORTHEAST CORNER OF BLOCK "C" OF RIVERS EDGE, PLAT BOOK 8, PAGE 53; THENCE SOUTHEASTERLY ALONG THE EAST LINE OF SAID BLOCK "C" TO THE MEAN HIGH WATER LINE OF THE CALOOSAHATCHEE RIVER; THENCE MEANDER SOUTHWESTERLY ALONG SAID MEAN HIGH WATER LINE TO THE SOUTHEAST CORNER OF LOT 1 OF BLOCK "C" OF SAID RIVER'S EDGE; THENCE SOUTHWESTERLY ALONG THE SOUTH LINE OF SAID LOT 1 BLOCK "C" TO THE EASTERLY RIGHT OF WAY OF NORTH TAMiami TRAIL; THENCE CROSSING NORTH TAMiami TRAIL SOUTHWESTERLY TO THE SOUTHEAST CORNER OF LOT 14 OF BLOCK "B" OF SAID RIVER'S EDGE; THENCE SOUTHWESTERLY ALONG THE SOUTH LINE OF SAID LOT 14 TO THE MEAN HIGH WATER LINE OF THE CALOOSAHATCHEE RIVER; THENCE MEANDER WESTERLY ALONG SAID MEAN HIGH WATER LINE TO THE INTERSECTION WITH THE EASTERLY LINE OF A FLORIDA DEPARTMENT OF TRANSPORTATION DRAINAGE RIGHT OF WAY; THENCE NORTHWESTERLY ALONG SAID EASTERLY LINE TO A POINT; THENCE NORTHEASTERLY PERPENDICULAR TO SAID EASTERLY LINE TO A POINT ON THE EAST RIGHT OF WAY OF RIVER ROAD 115 FEET SOUTHEAST OF THE NORTHWEST CORNER OF LOT 1 OF SAID RIVER'S EDGE; THENCE NORTHWESTERLY ALONG SAID EAST RIGHT OF WAY TO THE PROLONGATION LINE OF THE SOUTH RIGHT OF WAY OF OAK STREET; THENCE EAST ALONG THE PROLONGATION LINE AND SOUTH RIGHT OF WAY OF OAK STREET TO THE PROLONGATION LINE AND WEST RIGHT OF WAY OF SECOND WAY OF CABANA CITY, PLAT BOOK 8, PAGE 61; THENCE NORTH ALONG THE SAID WEST RIGHT OF WAY AND IT'S PROLONGATION TO THE NORTH RIGHT OF WAY OF CABANA AVENUE; THENCE WEST ALONG SAID NORTH RIGHT OF WAY TO THE INTERSECTION WITH THE EAST RIGHT OF WAY OF FOURTH WAY; THENCE NORTH ALONG THE SAID EAST RIGHT OF WAY AND IT'S PROLONGATION TO THE NORTH RIGHT OF WAY OF CYPRESS STREET AND SOUTHWEST CORNER OF LOT 16 OF BLOCK "R" OF SAID CABANA CITY; THENCE NORTH TO THE NORTHWEST CORNER OF SAID LOT 16; THENCE NORTHWESTERLY PARALLEL WITH THE NORTH TAMiami TRAIL RIGHT OF WAY TO THE INTERSECTION WITH THE NORTH RIGHT OF WAY OF PONDELLA ROAD; THENCE WEST ALONG THE SAID NORTH RIGHT OF WAY TO THE EAST RIGHT OF WAY OF RIVER ROAD; THENCE NORTH ALONG THE SAID EAST RIGHT OF WAY TO THE INTERSECTION WITH A PROLONGATION LINE BEING THE SOUTH LINE OF A PARCEL OF LAND DESCRIBED IN O.R. 767, PAGE 54; THENCE

WESTERLY ALONG SAID PROLONGATION LINE AND SOUTH LINE OF O.R. 767, PAGE 54, TO THE SOUTHWEST CORNER OF SAID PARCEL; THENCE NORTHERLY ALONG THE WEST LINE OF SAID PARCEL AND IT'S PROLONGATION LINE TO THE SOUTH LINE OF SILVERSWORD WOOD, PLAT BOOK 41, PAGES 24-25, THENCE EAST TO THE SOUTHEAST CORNER OF SAID SILVERSWORD WOOD; THENCE NORTHERLY ALONG THE EAST LINE OF SAID SILVERSWORD WOOD, AND IT'S PROLONGATION LINE TO A POINT 267 FEET SOUTH OF THE SOUTH RIGHT OF WAY OF EVERGREEN ROAD; THENCE EAST PARALLEL WITH THE SAID SOUTH RIGHT OF WAY TO THE WEST LINE OF THE EAST $\frac{1}{2}$ OF THE NORTHEAST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 2, TOWNSHIP 44 SOUTH, RANGE 24 EAST; THENCE NORTH ALONG SAID WEST LINE TO THE SOUTHWEST CORNER OF THE EAST $\frac{1}{2}$ OF THE SOUTHEAST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF SAID SECTION 2; THENCE NORTH ALONG THE WEST LINE OF THE EAST $\frac{1}{2}$ OF THE SOUTHEAST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF SAID SECTION 2 TO THE SOUTH RIGHT OF WAY OF MARIANA AVENUE; THENCE EAST ALONG SAID SOUTH RIGHT OF WAY FOR 370 FEET; THENCE NORTH PARALLEL WITH THE WEST LINE OF THE EAST $\frac{1}{2}$ OF THE NORTHEAST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF SAID SECTION 2 TO THE SOUTH LINE OF THE NORTHEAST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF SAID SECTION 2; THENCE WEST ALONG SAID SOUTH LINE FOR 130 FEET; THENCE NORTH PARALLEL WITH THE $\frac{1}{4}$ SECTION LINE OF SAID SECTION 2 FOR 170 FEET; THENCE WEST TO THE WEST LINE OF THE EAST $\frac{1}{2}$ OF THE NORTHEAST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF SAID SECTION 2; THENCE NORTH ALONG SAID WEST LINE TO THE SOUTH RIGHT OF WAY OF S.R. 78; THENCE EAST ALONG SAID SOUTH RIGHT OF WAY AND IT'S PROLONGATION THROUGH NORTH TAMiami TRAIL TO THE POINT OF BEGINNING. TOGETHER WITH A PARCEL OF LAND DESCRIBED IN O.R. 1736, PAGE 3657 LESS AND EXCEPTING ALL ROAD RIGHT OF WAYS SUBJECT TO EASEMENTS RESTRICTIONS RESERVATIONS AND RIGHT OF WAY OF RECORD.



BONITA SPRINGS ZONING OVERLAY LEGAL DESCRIPTION

SECTIONS 26 AND 35, TOWNSHIP 47 SOUTH, RANGE 25 EAST LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND LYING IN SECTIONS 26 AND 35, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF BONITA BEACH ROAD AND THE SOUTHERLY PROLONGATION OF THE WEST LINE OF LOT 13, BLOCK 9, HEITMAN'S BONITA SPRINGS TOWNSITE, AS RECORDED IN PLAT BOOK 6, PAGE 24 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN NORTHERLY ALONG SAID SOUTHERLY PROLONGATION AND THE WEST LINE OF SAID LOT 13 AND ALONG THE WEST LINE AND THE NORTHERLY PROLONGATION THEREOF OF LOT 37, BLOCK 9, OF SAID SUBDIVISION TO AN INTERSECTION WITH THE CENTERLINE OF SOUTHLAND DRIVE; THENCE RUN EASTERLY ALONG SAID CENTERLINE TO AN INTERSECTION WITH THE CENTERLINE OF AN ALLEY RUNNING BETWEEN LOTS 1 THROUGH 12, BLOCK 8, AND LOTS 13 AND 36, BLOCK 8, AND BETWEEN LOTS 1 THROUGH 4, BLOCK 7, AND LOTS 5 AND 24, BLOCK 7, OF SAID SUBDIVISION; THENCE RUN NORTHERLY ALONG THE CENTERLINE OF SAID ALLEY TO AN INTERSECTION WITH THE CENTERLINE OF TENNESSEE STREET; THENCE RUN NORTHWESTERLY ALONG SAID CENTERLINE TO AN INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF THE A.C.L. RAILROAD; THENCE RUN NORTHERLY ALONG SAID EASTERLY LINE TO AN INTERSECTION WITH A LINE COMMON TO SECTIONS 35 AND 26; THENCE CONTINUE NORTHERLY ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID RAILROAD IN SECTION 26 TO AN INTERSECTION WITH THE CENTERLINE OF PAULING LANE; THENCE RUN EASTERLY ALONG SAID CENTERLINE TO AN INTERSECTION WITH THE SOUTHERLY PROLONGATION OF THE WEST LINE OF LANDS DESCRIBED AS PARCEL 1 IN DEED RECORDED IN OFFICIAL RECORD BOOK 2818, PAGE 998 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN NORTHERLY ALONG SAID PROLONGATION AND THE WEST LINE OF SAID LANDS TO THE NORTHWEST CORNER OF SAID PARCEL; THENCE CONTINUE NORTHERLY ON A NORTHERLY PROLONGATION OF THE WEST LINE OF SAID PARCEL 1 TO THE SOUTHWEST CORNER OF LANDS DESCRIBED IN DEED RECORDED IN OFFICIAL RECORD BOOK 2494, PAGE 2075 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN NORTHERLY ALONG THE WEST LINE OF SAID PARCEL TO A POINT BEING THE NORTHWEST CORNER OF SAID PARCEL, SAID POINT ALSO LYING ON THE SOUTHERLY LINE OF A PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 2416, PAGE 121 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN WESTERLY ALONG SAID SOUTH LINE TO THE SOUTHWEST CORNER OF SAID PARCEL; THENCE RUN NORTHERLY ALONG THE WEST LINE TO THE NORTHWEST CORNER OF SAID PARCEL AND THE SOUTHWEST CORNER OF A PARCEL OF LAND DESCRIBED IN DEED RECORDED IN OFFICIAL RECORD BOOK 2652, PAGE 3729 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN NORTHERLY ALONG THE WEST LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORD BOOK 2652, PAGE 3729 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, TO THE NORTHWEST CORNER THEREOF; THENCE RUN EASTERLY ALONG THE NORTH LINE OF SAID PARCEL AND AN EASTERLY PROLONGATION THEREOF TO AN INTERSECTION WITH THE CENTERLINE OF OLD U.S.- 41; THENCE RUN SOUTHERLY ALONG THE CENTERLINE OF OLD U.S. 41 TO AN INTERSECTION WITH THE WESTERLY PROLONGATION OF THE CENTERLINE OF ROSEMARY DRIVE; THENCE RUN EASTERLY ALONG SAID CENTERLINE TO AN INTERSECTION WITH THE NORTHERLY PROLONGATION OF THE EAST LINE OF LOT 2, BLOCK F, ROSEMARY PARK NO. 2, AS RECORDED IN PLAT BOOK 6, PAGE 30 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN SOUTHERLY ALONG THE EAST LINE OF LOTS 2, 3, 6, 7, 10, 11, 14, 15, 18, 19, 22, 23 AND THE SOUTHERLY PROLONGATION OF THE EAST LINE OF LOT 23, BLOCK F, OF SAID SUBDIVISION TO AN INTERSECTION WITH THE CENTERLINE OF BONITA DRIVE; THENCE RUN EASTERLY ALONG THE CENTERLINE OF SAID BONITA DRIVE TO AN INTERSECTION WITH THE NORTHERLY PROLONGATION OF THE EAST LINE OF A PARCEL OF LAND DESCRIBED IN DEED RECORDED IN OFFICIAL RECORD

BOOK 1946, PAGE 1118 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN SOUTHERLY ALONG SAID NORTHERLY PROLONGATION OF THE EAST LINE AND THE EAST LINE OF THOSE CERTAIN PARCELS OF LAND DESCRIBED IN DEEDS RECORDED IN OFFICIAL RECORD BOOK 1946, PAGE 1118, OFFICIAL RECORD BOOK 2673, PAGE 3064, OFFICIAL RECORD BOOK 2299, PAGE 2881, OFFICIAL RECORD BOOK 1477, PAGE 1390, AND OFFICIAL RECORD BOOK 2255, PAGE 3131, TO A POINT BEING THE SOUTHEAST CORNER OF LANDS DESCRIBED IN SAID OFFICIAL RECORD BOOK 2255, PAGE 3131, SAID POINT ALSO BEING ON THE NORTH LINE OF A PARCEL OF LAND DESCRIBED IN DEED RECORDED IN OFFICIAL RECORD BOOK 1013, PAGE 672, ALL OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN SOUTHERLY ALONG THE EAST LINE OF SAID PARCEL AND THE EAST LINE OF PARCELS DESCRIBED IN DEEDS RECORDED IN OFFICIAL RECORD BOOK 2297, PAGE 792, OFFICIAL RECORD BOOK 2255, PAGE 3129, AND OFFICIAL RECORD BOOK 2255, PAGE 3127, ALL OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AND THE SOUTHERLY PROLONGATION OF THE EAST LINE OF THAT CERTAIN PARCEL DESCRIBED IN OFFICIAL RECORD BOOK 2255, PAGE 3127, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, TO AN INTERSECTION WITH THE CENTERLINE OF EAST TERRY STREET; THENCE RUN WESTERLY ALONG THE CENTERLINE OF SAID STREET, ALSO BEING THE NORTH LINE OF SECTION 35, TO AN INTERSECTION WITH THE NORTHERLY PROLONGATION OF THE CENTERLINE OF A VACATED ALLEY RUNNING THROUGH BLOCK 1, CENTER PARK, AS RECORDED IN PLAT BOOK 7, PAGE 17 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN SOUTHERLY ALONG SAID CENTERLINE AND A SOUTHERLY PROLONGATION THEREOF TO AN INTERSECTION WITH THE CENTERLINE OF GOODWIN STREET; THENCE RUN EASTERLY ALONG THE CENTERLINE OF SAID STREET TO AN INTERSECTION WITH THE NORTHERLY PROLONGATION OF THE EAST LINE OF LOT J, BONITA SPRINGS, AS RECORDED IN PLAT BOOK 3, PAGE 26 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN SOUTHERLY ALONG THE EAST LINE OF SAID LOT J TO AN INTERSECTION WITH THE CENTERLINE OF THE IMPERIAL RIVER; THENCE RUN SOUTHWESTERLY ALONG SAID CENTERLINE TO AN INTERSECTION WITH THE CENTERLINE OF FELTS AVENUE; THENCE RUN SOUTHERLY ALONG THE CENTERLINE OF FELTS AVENUE TO AN INTERSECTION WITH THE CENTERLINE OF DEAN STREET; THENCE RUN WESTERLY ALONG THE CENTERLINE OF SAID DEAN STREET TO AN INTERSECTION WITH A NORTHERLY PROLONGATION OF THE EAST LINE OF LOT 17 IN SECTION 35, BONITA FARMS, AS RECORDED IN PLAT BOOK 3, PAGE 27 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN SOUTHERLY ALONG SAID NORTHERLY PROLONGATION AND THE EAST LINE OF SAID LOT 17 TO AN INTERSECTION WITH THE CENTERLINE OF OAK CREEK; THENCE RUN SOUTHERLY AND SOUTHEASTERLY ALONG SAID CENTERLINE TO AN INTERSECTION WITH A NORTHERLY PROLONGATION OF THE EAST LINE OF A PARCEL OF LAND DESCRIBED AS LOT 18, LESS AND EXCEPT THE EAST 60 FEET, BONITA FARMS, AS RECORDED IN PLAT BOOK 3, PAGE 27 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN SOUTHERLY ALONG SAID PROLONGATION AND THE EAST LINE OF SAID PARCEL AND A SOUTHERLY PROLONGATION OF SAID EAST LINE TO AN INTERSECTION WITH THE CENTERLINE OF BONITA BEACH ROAD; THENCE RUN WESTERLY ALONG SAID CENTERLINE TO THE POINT OF BEGINNING.

