



**LAND DEVELOPMENT CODE ADVISORY COMMITTEE
COMMUNITY DEVELOPMENT/PUBLIC WORKS BUILDING
1500 MONROE STREET, FORT MYERS
First Floor Conference Room 1B**

**FRIDAY, NOVEMBER 13, 2015
8:00 A.M.**

AGENDA

1. Call to Order/Review of Affidavit of Publication
2. Approval of Minutes – AUGUST 14, 2015
3. LDC Amendments for Lehigh Acres Community Plan
(Adopt Two Regulatory Plans)
4. LDC Amendments for Alva Community Plan
5. Adjournment – Next Meeting Date: December 11, 2015



**MINUTES REPORT
LAND DEVELOPMENT CODE ADVISORY COMMITTEE
(LDCAC)
Friday, August 14, 2015
8:00 a.m.**

Committee Members Present:

Patrick Vanasse
Al Quattrone
Randy Krise
Bill Morris
Steve Brodtkin
Jay Johnson

Jennifer Sapen
Richard Ibach
Adam Hayes
Tom McLean
Peter Kemezys
Bill Prysi

Absent:

Gerald Murphy

Lee County Government Staff Present:

Neysa Borkert, Assistant County Attorney
David Loveland, Acting Director, Community
Development
Tony Palermo, Senior Planner, Zoning
Pamela Houck, Zoning Director

Michael Jacob, Assistant County Attorney
Donna Marie Collins, Chief Hearing Examiner
Laura Belflower, Deputy Hearing Examiner
Debbie Carpenter, DCD Admin Svcs., Recorder

Members of the Public:

none

Call to Order and Affidavit:

Mr. Patrick Vanasse called the meeting to order at 8:00 a.m. in the first floor conference room (1B), 1500 Monroe Street, Fort Myers, Florida.

Mr. Vanasse introduced Ms. Neysa Borkert, Michael Jacob's replacement as the committee's legal liaison.

Ms. Borkert made a short introductory statement. She reviewed the Affidavit of Posting and found it legally sufficient as to form and content.

APPROVAL OF MINUTES – FEBRUARY 13, 2015

Mr. Randy Krise made a motion to approve the February 13, 2015 minutes; seconded by Mr. Adam Hayes. The motion was called and carried.

HEARING EXAMINER ZONING PROCESS AMENDMENTS

Mr. Vanasse recognized Ms. Donna Marie Collins and Ms. Laura Belflower of the Lee County's Hearing Examiner office. Ms. Collins explained that this proposed amendment had undergone extensive peer review, had been thoroughly reviewed by their office, by staff and the County Attorney's office and had been presented to the Land Use Bar and their comments had been incorporated. It was a joint effort to streamline the process and make it easier for everyone. The proposed amendment removes procedural aspects of the hearing examiner process from the Land Development Code (LDC) and places those more appropriately in an administrative code leaving the review of zoning requests in the Land Development Code.

Ms. Belflower reviewed some of the more substantive changes listed in the summary provided with

the meeting backup. These changes included a clarification of the legal standard for denial of rezoning cases (based on *Snyder* case); a clarification for submitting an Applicant Summary Report (may be submitted at the time of the staff report), and a clarification of the procedures pertaining to expert testimony. It removed the requirement for a County provided court reporter instead allowing digital recordings; however, the practice of using court reporters for larger hearings will continue, and an applicant may provide a court reporter at their own expense. The requirement to provide a full transcription of all cases has been removed and instead a brief summary of relevant testimony is allowed. Procedures for the Hearing Examiner's review of amendments for DRI Development Orders has been added making the DRI process similar to other zoning cases with a recommendation by the HEX and then decision by the Board. Other changes include a reassignment of the authority for revocation of alcoholic beverage approvals (COPs) from the Hearing Examiner to the Board, and provides review criteria. The administrative appeal process has been changed to a two step process; the Hearing Examiner will do an initial evaluation to determine if criteria has been met, after which the case will be scheduled. The 48 hour Notice has been formalized allowing the HEX office to notify the parties of questions or concerns anticipated at hearing; established a process for the HEX to reopen hearings for additional evidence when relevant and significant, and clarified the remand process procedures and time frames.

A general discussion of the changes followed.

Mr. Brodtkin asked whether the general public could request to receive information and evidence as it becomes available before a hearing and a brief discussion followed. A public records request could be made (a fee may be applicable), the file and its contents can be reviewed in ePlan (in DCD office), or a person could contact the planner and ask for specific information. Staff noted that ePlan/eConnect procedures will be updated in the future which will allow access to case file information through a web search.

Mr. Brodtkin asked about the difference between the language in conventional rezoning versus planned development rezoning and why one specifies it "*preserves and promotes the general intent of this Code to protect the public health, safety and welfare*"; and the other does not. Staff explained that the language is a standard for both types of rezoning, but this additional language relates specifically to deviation requests.

Mr. Vanasse suggested reviewing the LDC amendment page by page and asked committee members to ask questions and make comments or suggestions as needed

Ms. Belflower confirmed Mr. McLean's assertion that the deleted text on page 2 (*aggrieved person or party*) had been moved to another section.

Ms. Belflower confirmed that where possible terms and titles have been made consistent throughout (Board vs Board of County Commissioners); deviations and variances have been clarified. Mr. Vanasse asked if, when related to the same property, a rezoning and a variance request would be heard concurrently. Ms. Belflower confirmed that is the case now and it will not change.

Mr. Kemezys asked about the rationale for the additional text on page 5, subsection b. Ms. Belflower said when possible an attempt was made to follow case law; this language was taken from case law.

Mr. Hayes asked about the word "restore" on page 20, subsection e.(3) i; asking if there was a timeframe associated with that. Mr. Loveland said that restoration would be based on historical data, probably based on aerials which he thought dated back to the 1940's. Mr. Hayes also referred to page 28 and the reference to submitting "three complete copies". Ms. Belflower said that language may change going forward and that future submittals would more than likely be accepted digitally, but that would be something that DCD would need to look at. Mr. Loveland said staff had started the process of reviewing Chapter 34 with the intent of streamlining the regulations and, as

with this amendment, moving procedural processes into the Administrative Code. He anticipated those changes would be brought forward in the next LDC cycle.

Mr. Brodtkin stated staff had done a good job in reorganizing. He had specific issues with the public participation part of the process. He said a land use change allows the general public to go before the Board and make their opinion known, but it is not the same for a case before the hearing examiner; they have to attend the HEX hearing in order to then address the Board and voice their opinion. Hearings are during work hours and are sometimes scheduled over several days so it may be difficult for a person to take time off from work to appear and once there, not know when they might speak. He asked why public comment could not be taken when that person shows up. He felt the process was too restrictive.

Mr. Michael Jacob explained that land use changes are “legislative” (determining what the rules should be) and the zoning process is a quasi-judicial process (how a specific project meets the rules). The quasi-judicial process represents applicants and it is our job to protect a person’s right of due process with no outside influence, otherwise, the county could be sued. The hearing process is designed for members of the public to come and get educated. Although it may be difficult to set aside the time needed to attend a hearing, a person has the right to get documents and information beforehand, and if they do show up and listen to all the facts, they should be able to make an informed opinion by the end.

Ms. Belflower and Ms. Collins said one advantage of participating in the hearing process was that the Hearing Examiner has the opportunity to hear the public’s concerns, and together with the applicant, may be able to fashion a condition to address those things. Ms. Collins said they understand it is difficult for people to attend, and they try to be as accommodating as they can, however, it is important that the applicant and staff are allowed to make their presentations uninterrupted before taking public comment and recently, with fewer interruptions, the presentations have been going fairly quickly. She suggested calling the HEX office, or the zoning planner, to get an idea of how much time will be spent on presentations. Ms. Belflower said there have been instances where, after hearing both sides, members of the public have had their concerns alleviated and at other times, have interacted with the applicant and gotten a better illustration of what will be done. It is an important process and they do their best to achieve a balance for everyone.

Mr. Vanasse commented that it is a difficult process even for those that go through it every day, however, he also works in jurisdictions that do not have a Hearing Examiner. The process is very political. The Hearing Examiner process takes the politics out of it, making it more fair for everyone.

Ms. Belflower said every case is unique and has its own factors and perspectives. Although the term public welfare is too vague to be used as a standard, the goal is to protect the public welfare of the community or county as a whole.

Motion by Mr. Bill Prysi to approve the Hearing Examiner zoning process amendments. Seconded by Mr. Randy Krise. The motion carried unanimously.

A page by page review of the Administrative Code followed. There were no comments.

Motion by Mr. Randy Krise to approve the Administrative Code portion of the Hearing Examiner zoning process. Seconded by Mr. Bill Prysi. The motion carried unanimously.

Motion to adjourn by Ms. Jennifer Sapen, seconded by Mr. Bill Prysi. The motion passed and the meeting was adjourned at 9:05 a.m.

The next meeting was tentatively scheduled for September 11, 2015.

MEMORANDUM
FROM
THE DEPARTMENT OF
COMMUNITY DEVELOPMENT

TO: The Land Development Code Advisory Committee **DATE: October 30,2015**

FROM: Sharon Jenkins-Owen,AICP
Nettie Richardson

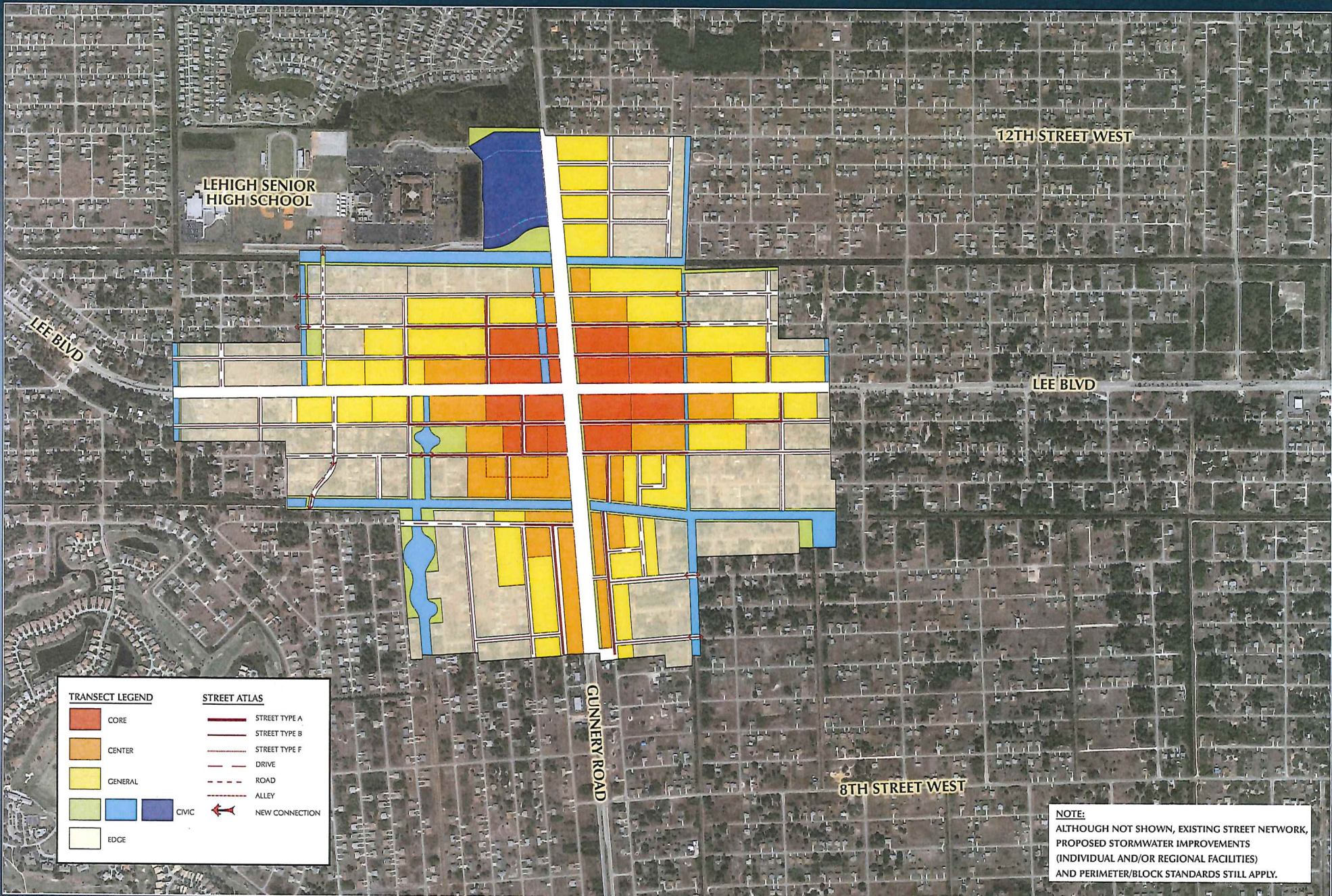
RE: Lehigh Acres Gunnery/82 and Lee/Gunnery Activity Centers

Please find the community's draft of proposed regulations implementing the conceptual Gunnery/82 and Lee/Gunnery Compact Community Activity Centers in Lehigh Acres. These plans have been developed through a community planning effort by the Lehigh Acres community and Kimley-Horn and Associates, the project's planning consultants, and have been vetted by Lee County staff, the County Attorney's office, and community stakeholder including property owners, members of the public, and other community groups. As shown in the Table below, the Lee County Board of County Commissioners has previously adopted three compact community regulating plans in Lehigh Acres. The adoption of these two regulating plans would bring the total number of adopted Lehigh Acres community regulating plans to five.

Adopted Regulating Plans

Activity Center Name	LDC	Adoption Date	Ordinance No.
Lehigh Acres Downtown Activity Center	32-603	Feb. 26,2013	13-05
Lehigh Acres Admiral Lehigh Neighborhood Activity Center	32-603	Feb. 26, 2013	13-05
Lehigh Acres Homestead Road/Milwaukee	32-603	June 17, 2014	14-13

These regulations help implement two of nine "Activity Centers" in Lehigh Acres identified in Goal 32 of the Lee Plan for the Lehigh Acres Planning Community. The aim of these centers is to utilize Compact Communities, Chapter 32 of the LDC to incentivize the development of economic centers within the Lehigh Acres community.



TRANSECT LEGEND			STREET ATLAS	
	CORE		STREET TYPE A	
	CENTER		STREET TYPE B	
	GENERAL		STREET TYPE F	
	EDGE		DRIVE	
	CIVIC		ROAD	
	EDGE		ALLEY	
			NEW CONNECTION	

NOTE:
 ALTHOUGH NOT SHOWN, EXISTING STREET NETWORK,
 PROPOSED STORMWATER IMPROVEMENTS
 (INDIVIDUAL AND/OR REGIONAL FACILITIES)
 AND PERIMETER/BLOCK STANDARDS STILL APPLY.

Lee/Gunnery Activity Center

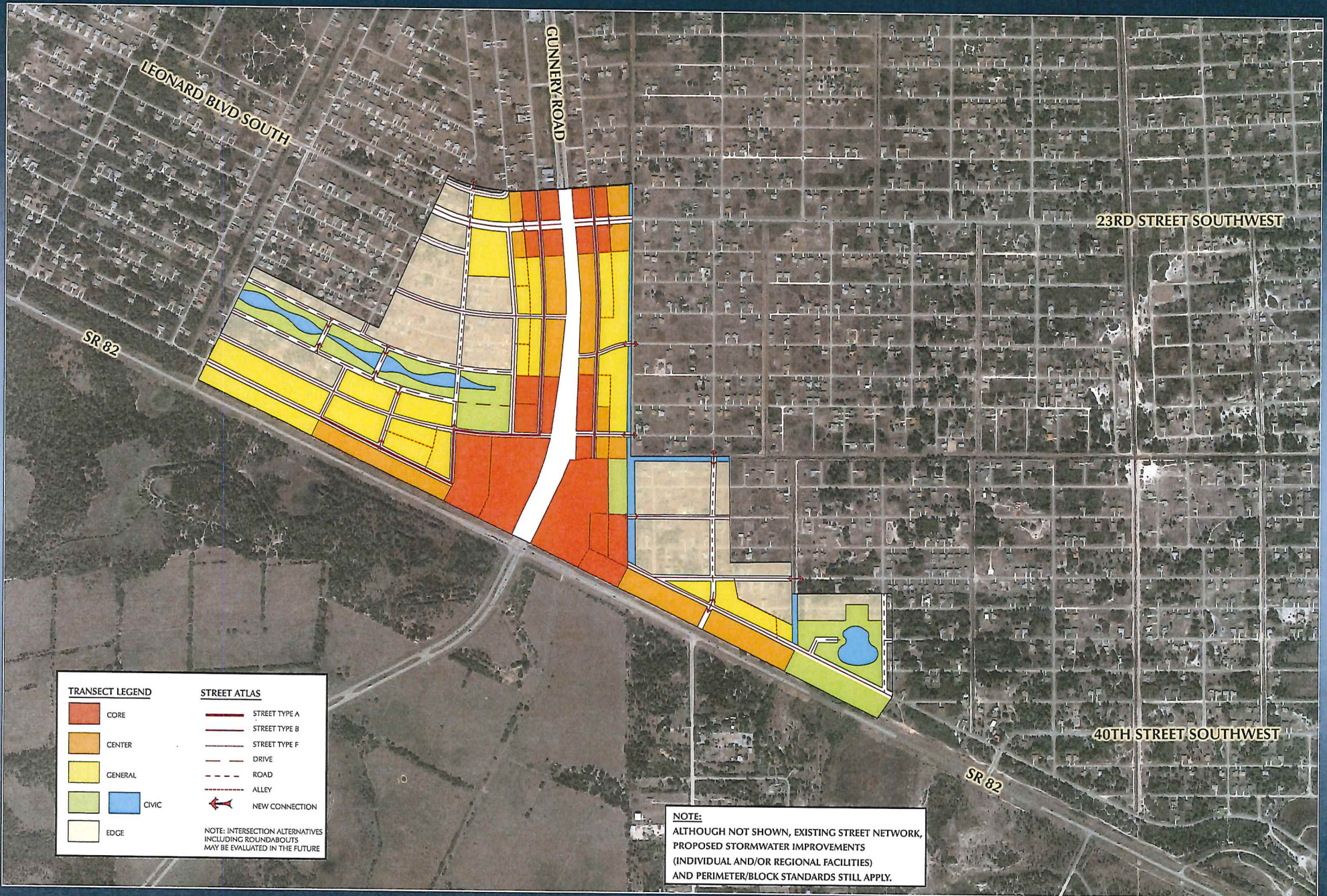
Conceptual Regulating Plan



TRANSECT LEGEND		STREET ATLAS	
	CORE		STREET TYPE A
	CENTER		STREET TYPE B
	GENERAL		STREET TYPE F
	CIVIC		DRIVE
			ROAD
			ALLEY
	EDGE		NEW CONNECTION

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Lee/Gunnery Activity Center
 Conceptual Regulating Plan



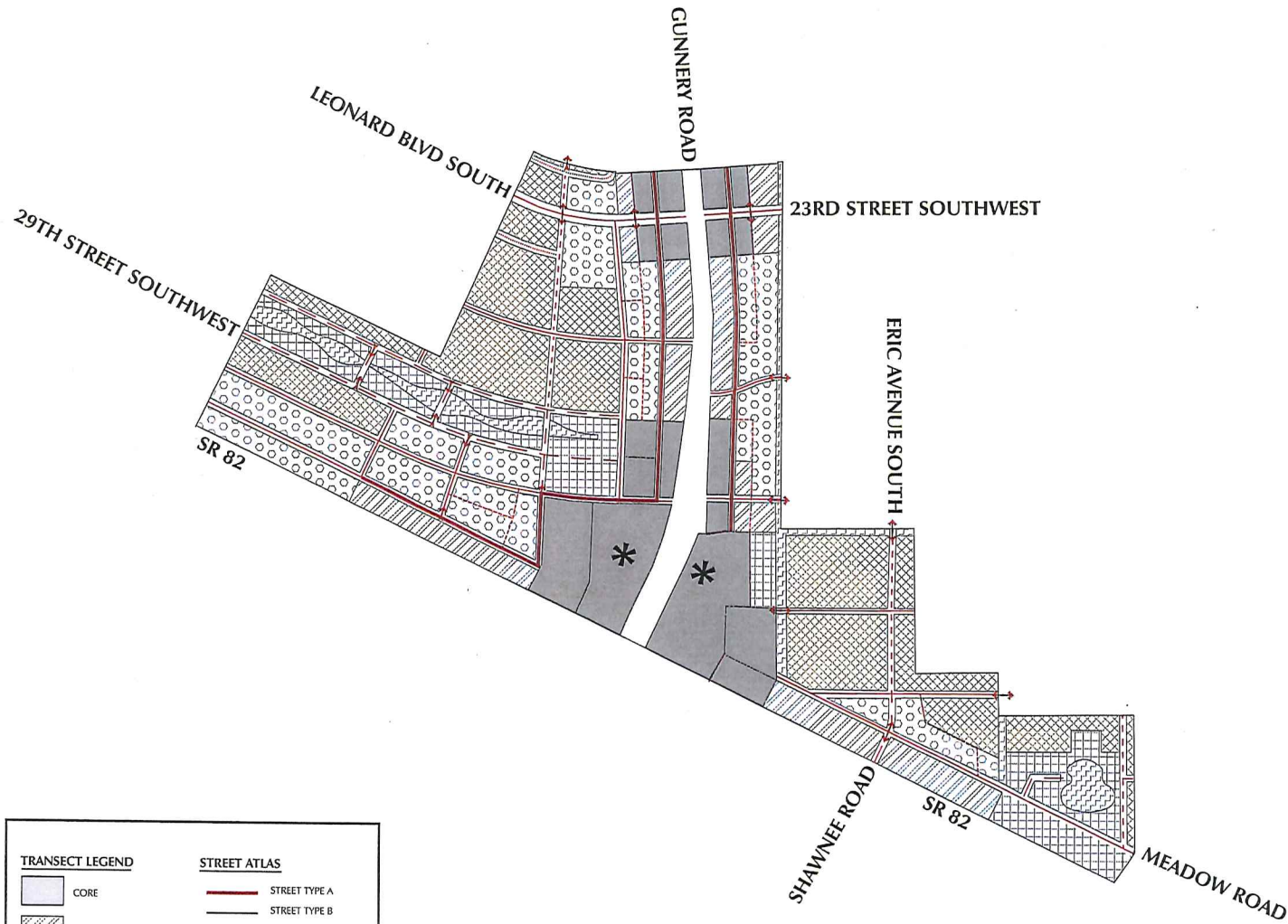
TRANSECT LEGEND		STREET ATLAS	
	CORE		STREET TYPE A
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NOTE: INTERSECTION ALTERNATIVES INCLUDING ROUNDABOUTS MAY BE EVALUATED IN THE FUTURE

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Gunnery/82 Activity Center

Conceptual Regulating Plan



TRANSECT LEGEND		STREET ATLAS	
	CORE		STREET TYPE A
	CENTER		STREET TYPE B
	GENERAL		STREET TYPE F
	CIVIC		DRIVE
	EDGE		ROAD
			ALLEY
			NEW CONNECTION
			COUNTY OWNED PARCELS ARE SUBJECT TO INTERSECTION IMPROVEMENTS.

NOTE: INTERSECTION ALTERNATIVES INCLUDING ROUNDABOUTS MAY BE EVALUATED IN THE FUTURE.

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Gunnery/82 Activity Center

Detailed Regulating Plan

LEHIGH ACRES
 LEE COUNTY, FLORIDA



Kimley»Horn

APPROVED FOR THE BOARD OF COUNTY COMMISSIONERS
 LEE COUNTY, FLORIDA
 DATE: 10/27/2015

MEMORANDUM
FROM
THE DEPARTMENT OF
COMMUNITY DEVELOPMENT

TO: The Land Development Code Advisory Committee **DATE: October 30,2015**

Sharon Jenkins-Owen, AICP
Nettie Richardson

FROM: _____

RE: Alva Land Development Code Amendments

Attached are amendments to the Land Development Code (LDC) to adopt regulations for the Alva Community. These development regulations help implement Goal 26 of the Lee Plan and associated Objectives and Policies. Goal 26 calls for Lee County "To support and enhance Alva's unique rural, historic, agricultural character and natural environment and resources, including the rural village and surrounding area..."

These proposed LDC regulations were drafted in concert with the Alva Community and Lee County Staff. Numerous public meetings were held over the past four years with the Alva Community Planning Panel. The draft has been reviewed by Lee County Staff, the County Attorneys and other interested parties. Specifically, the proposed regulations provide:

- Community review for zoning requests and development orders;
- Applies to new and redevelopment: commercial mixed use and civic developments undergoing zoning or local development order approvals;
- Does not apply to: agricultural, single-family , duplex residential;

These proposed regulations establish the following:

- Design Standards
 - Architectural standards
 - Exterior building materials and facade
- Landscape standards;
- Signage – type, size, height, location, illumination;
- Scenic corridors;
- Historic Core
 - Limit height to 25 feet/2 stories
 - Allow reduced landscaping, buffers, open space and encourages shared parking;
- Allows mixed use development along a portion of Palm Beach Boulevard.

ALVA RURAL COMMUNITY PLAN LDC AMENDMENTS

SECTION ONE: AMENDMENT TO LDC CHAPTER 14

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

CHAPTER 14 ENVIRONMENTAL AND NATURAL RESOURCES ARTICLE I-IN GENERAL

Sec. 14-1. Planning community regulations.

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

- (a) Estero Planning Community.
- (b) Greater Pine Island.
- (c) Page Park.
- (d) Caloosahatchee Shores.
- (e) Lehigh Acres.
- (f) North Fort Myers
- (g) Matlacha.
- (h) Upper Captiva.
- (i) North Olga.
- (j) Alva.

SECTION TWO: AMENDMENT TO LDC CHAPTER 30

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

CHAPTER 30 SIGNS ARTICLE II. ADMINISTRATION AND ENFORCEMENT

Sec. 30-56. Planning community regulations.

Application and permit approvals for signs and sign structures associated with projects located in the following planning communities must also comply with the regulations set forth in chapter 33 pertaining to the specific planning community.

- (a) Estero Planning Community.
- (b) Greater Pine Island.
- (c) Page Park.
- (d) Caloosahatchee Shores.
- (e) Lehigh Acres.
- (f) North Fort Myers.
- (g) Matlacha
- (h) Upper Captiva.
- (i) North Olga.
- (j) Alva.

SECTION FOUR: AMENDMENTS TO LDC CHAPTER 33

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

CHAPTER 33 PLANNING COMMUNITY REGULATIONS ARTICLE XX. ALVA RURAL COMMUNITY DIVISION 1. IN GENERAL

Sec. 33-XXXX. Applicability. The provisions of Article XX apply to all new and the redevelopment of commercial, mixed-use and civic developments requiring zoning or local development order approval, located in the Alva Rural Community as depicted on Lee Plan Map 1, Page 6 of 8 – Special Treatment Areas, Mixed Use Overlay. Civic developments include government offices and service buildings, arts, culture, education, day care, community services, social services, recreational, athletic, convention, entertainment, transit and municipal parking structures. Agricultural, single-family and duplex residential uses are exempt unless otherwise noted. Renovations of historic structures may vary from the requirements of this Article as provided in LDC Chapter 22.

Sec. 33-XXXX. Community review.

(a) **Applications requiring review.** The owner or agent applying for the following types of county approvals must conduct one publically advertised information session within the Alva Rural Community prior to obtaining approval or finding of completeness or sufficiency, as applicable:

- (1) Development Orders, excluding Limited Development Orders.
- (2) Planned Development zoning requests. This includes administrative amendments to an approved master concept plan or other provisions of the zoning resolution.
- (3) Conventional zoning requests.
- (4) Special exception and variance requests.

(b) **Meeting requirements.** The applicant is responsible for providing the meeting space, providing notice of the meeting, and providing security measures as needed. The meeting will be held within the Alva community and the location will be determined by the applicant. Meetings may be, but are not required to be, conducted before non-County formed boards, committees, associations, or planning panels. The applicant will provide notice of the meeting no less than 30 days prior to the date of the meeting and must post a notification of the meeting in the Alva Community Center. Additional notification of the meeting may be posted on the Alva community website.

During the meeting, the applicant must provide a general overview of the project for any interested citizens. Subsequent to this meeting, the applicant must provide County staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal responding to any issues that were raised. The applicant is not required to receive an affirmative vote or approval of citizens present at the meeting.

Sec. 33-XXXX. Existing development. Existing planned developments may voluntarily bring a Master Concept Plan into compliance with the Alva Rural Community Plan or any regulations contained in this Article administratively. No public hearing will be required if the sole intention is for existing planned developments to comply with these regulations.

DIVISION 2.
COMMUNITY-WIDE LAND DEVELOPMENT PROVISIONS

Subdivision XX.
Design Standards

Sec. 33-XXXX. Design Standards.

- (a) **Architectural style.** The required architectural style is Southern Victorian and Florida “Cracker” Vernacular, characterized by pitched metal roofs, extended roof overhangs, frame construction, porches, awnings, canopies, covered walkways, and shutters. See Architectural Figure 1.

ARCHITECTURAL FIGURE 1
Alva Rural Community Architectural Style



- (b) **Exterior building materials.** Traditional building materials, such as wood, decoratively treated concrete composite siding, masonry, stone, or brick must be used as the predominant exterior building materials for all new construction as architecturally appropriate to the existing building. Foundation material may be plain concrete or plain concrete block when the foundation material does not extend more than one foot above base flood elevation (BFE).

(c) **Building color.**

- (1) Colors for building and accessory structures must be neutral, warm earth tones, subdued pastels or whites.
- (2) Optional contrasting colored columns, cornices, doors, roofs, trims, windows, and other architectural details must complement the principal building as well as existing surrounding structures.

(3) Contrasting accent colors of any wall, awning or other feature are limited to not more than 10 percent of the total area for any single façade.

(4) Neon and fluorescent colors are prohibited.

(5) The use of black color on buildings and structures is limited to trim.

(d) **Façade treatment.** Methods for providing architectural relief on blank façades must include three (3) or more of the following:

(1) Recessed or clearly defined entryways;

(2) Dormers, balconies, porches and staircases;

(3) Transparent window or door areas or display windows that provide visibility into the building interior;

(4) Overhangs, and awnings;

(5) Building ornamentation and varying building materials, colors, decorative tiles, edifice detail such as trellises, false windows or recessed panels reminiscent of window, door or colonnade openings and wall murals;

(6) Shrubs or vines trained to grow upright on wire or trellises next to blank walls;

(7) Architectural features such as cornices, articulated roof parapets or other details that alter the building height; or

(8) Application of a contrasting base that is a minimum one-foot high and extends along the entire front face of the building that is adjacent to the right-of-way, and at least ten feet along the sides façades of the building that are perpendicular to the right-of-way.

(e) **Doors, entrances, and porches.**

(1) The main entrance to the building must face the street. On corner lots, the main entrance may face either street or be diagonal to the corner. The main public entrance of a building must not open onto a parking space or spaces. Overhead doors facing Palm Beach Boulevard are prohibited.

(2) The enclosure of any open or screened porch must be constructed in a manner consistent with the style and materials of the existing structure.

(f) **Window treatments.** The following rules apply to all windows on all façades facing a driveway, public open space, or street. For purposes of this Article, public open space means people-oriented spaces along the street that are visually attractive, take into consideration the human scale and proportion, and provide for pedestrian connections and linkages. Exterior public and semi-public spaces, such as courtyards or plazas, must be designed for function, to enhance surrounding buildings and provide amenities for users, in the form of textured paving, landscaping, lighting, street trees, benches, trash receptacles and other items of street furniture.

- (1) Window openings must be rectangular and oriented vertically, except for transom windows over doors.
- (2) The bottoms of all window openings must be no higher than 30 inches above the interior finished floor elevation of each floor.
- (3) Windows must contain sills and lintels on the exterior of the wall.
- (4) Display windows at the street level around the exterior of commercial and mixed-use buildings must include windowsills and ledges. Windows must not be false or applied. In addition, all windows and doors:
 - a) Must be consistent with the architectural style as stated in Sec. 33-XXXX.
 - b) Must employ divided, multi-paned windows;
 - c) Must utilize energy efficient clear or tinted glass;
 - d) Must be designed in a style that is simple, well-proportioned and appropriate to the overall architectural character of the building and the Alva Rural Community;
 - e) Must, when security gratings are necessary, use interior, concealed security gratings; and
 - f) Planter boxes are encouraged, but are not required.

(g) Awnings.

- (1) All awnings must complement the frame of the structure and must not cover the space between the second story windowsills and the structure cornice.
- (2) All non-structural awning coverings must utilize canvas fabric or similar water-proof material in their design and fabrication. Metal, aluminum, plastic, or rigid fiberglass awning coverings are prohibited.
- (3) If the design and materials are consistent with the overall design of the building, structural awnings that are a permanent part of the building architecture and add diversity and interest to the façade must be designed and constructed of metal, wood, or other traditional building materials.
- (4) Display window awnings must be attached above window and below the building cornice.
- (5) A flat canopy may be treated with a 12-inch to 24-inch awning valance. Round or dome-shaped awnings must be architecturally compatible with the building in proportion to the associated building entrance.
- (6) All awnings must be attached directly to the building, and cannot be supported by columns or poles.
- (7) Vehicle shelter awnings are prohibited.

(h) Lattice.

- (1) On elevated structures, the space between the floor of the structure and the ground must be

screened with lattice between supports of the structure. or the space must be enclosed with wood or concrete block.

- (2) Only one (1) style and type of lattice may be used for each building. If wood, the lattice must be a minimum of one-quarter-inch thick and pressure-treated. Posts on which the lattice is to be mounted must be pressure-treated and be set not more than four (4) feet on center.

(i) Shutters.

Roll-down shutters may be installed on commercial buildings if designed to conceal the overhead casing. Panels must be secured and stored in a manner that is not visible to the public except in preparation for, during, and in the immediate aftermath of an appropriate emergency event. Tracks for removable panels must match the style of the building and color of the wall upon which they are mounted.

(j) Metal roofs. Roofs must be sloped and use metal for all finished surfaces.

(1) The roof may contain features such as dormers, widow's walks and chimneys.

(2) The size, color, and patterns of the roofing material must contribute to the building's overall character.

(3) A dormer addition must be in scale and harmony with the existing building and have a roof consistent with that of the existing structure and windows of the same design as the existing structure.

(4) Flat roofs are prohibited on all structures.

(k) Ramps. Ramps for the purpose of compliance with ADA must be clearly marked with proper signage to denote their presence.

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

(m) Drive-through access on SR 80 (Palm Beach Boulevard). Access for a drive-through facility in conjunction with a permitted use is prohibited from direct access onto SR 80. The development must be designed with an internal access or reverse frontage road.

Subdivision XX.
Landscape

Sec. 33-XXXX. Tree Preservation.

(a) In addition to the requirements to LDC Section 10-415(b) all projects with native trees must preserve the existing native trees and understory vegetation regardless of project size as follows:

(1) All development projects must be designed to preserve open spaces.

- (2) Preservation of indigenous tree clusters is preferred over individual tree protection. Reasonable efforts to retain individual trees must be made. It is recognized that site design requirements (e.g. fill) may limit the ability to retain some individual trees, and in that case the Community Development Director will allow the removal of those trees.
- (3) Native trees (4- to 15-inch caliper as measured from 4.5 feet from the ground) may be relocated to onsite open space areas when proper horticultural methods (e.g. root pruning; use of anti-transpirants) are utilized to ensure the survivability of the trees, and a vegetation removal permit is obtained.
- (4) Effort must be made to preserve heritage trees that have at least a 20-inch caliper as measured from 4.5 feet from the ground, including but not limited to live oak, South Florida slash pine, or longleaf pine. If a heritage tree must be removed from a site then replacement trees with a minimum 20-foot height must be planted at a three to one (3:1) ratio within an appropriate open space area. The Community Development Director may grant deviations from the requirements of this code per LDC Section 34-268 to approve Development Orders that accommodate the preservation of larger native and indigenous trees and tree clusters on a development site.
- (5) Effort must be made to preserve Sabal Palms over 8 foot CT (Clear Trunk is measured from ground to the base of the fronds) to be salvaged or relocated. Sabal Palms may be relocated to open space areas when proper horticultural methods (e.g. root pruning; use of anti-transpirants) are utilized to insure the survivability of the trees, and a vegetation removal permit is obtained.
- (6) Native tree preservation must incorporate techniques established in LDC Section 10-420(j).
- (7) Surface water management systems may overlap with native tree preservation areas only where it can be clearly demonstrated that the effects of water management system construction and/or operation will not cause death or harm to the preserve tree and indigenous plant community of protected species.
- (8) Infrastructure design must integrate existing trees and the natural character of the land unless an alternative design is approved by an administrative variance or deviation per LDC Section 34-268.

Sec. 33-XXXX. Landscape features for new commercial, mixed-use, residential and civic developments.

- (a) Buffer walls, entry marquees, fountains, decorative gates, porticos, pylons, entry-structures, and berms not required by the South Florida Water Management District for water management are prohibited.
- (b) Residential project walls provided in LDC Sec. 34-1743 are prohibited.
- (c) In order to promote the rural character of the community:
 - (1) The existing native vegetation adjacent to roadways must be incorporated into the landscape plan.
 - (2) When the existing conditions do not meet the minimum LDC landscape standards, additional native vegetation must be planted to supplement the natural landscape.

- (3) Vegetation must be planted in clusters and not in repeating, and/or linear patterns.

Subdivision X.
Signs

Sec. 33-XXXX. Prohibited signs.

- (a) The following types of signs are prohibited unless a deviation or variance is granted.
- (1) Exposed neon signs, including neon lining outlining the building features
 - (2) Pole signs.
 - (3) Pylon signs.
 - (4) Balloons including inflatable air signs or other temporary signs that are inflated with air, helium, or other gaseous elements, except as permitted by special occasion permit.
 - (5) Banners, pennants or other flying paraphernalia (such as feather signs), except:
 - a. As permitted by special occasion permit.
 - b. An official federal, state, or County flag.
 - c. One symbolic flag not to exceed 15 square feet in area for each institution or business.
- (b) All temporary signs, except for the following, are prohibited. The following temporary signs must comply with LDC Section 30-151.
- (1) Special occasion signs.
 - (2) Real estate signs.
 - (3) Construction signs.
 - (4) Political or campaign signs.
- (c) The following signs are prohibited as per LDC Chapter 30. No variance or deviation may be requested.
- (1) Emitting signs.
 - (2) Flashing signs.
 - (3) Roof Signs.
 - (4) Billboards.
 - (5) Electronic Changing Message Centers.

Sec. 33-XXXX. Permanent signs for commercial, mixed-use and civic uses

(a) **Ground-mounted identification signs.**

- (1) Ground mounted identification signs must be a monument sign. A monument sign is a ground sign, the structural base of which is on the ground.
 - a. The height of the base must be at least 24 inches and cannot exceed 36 inches above the adjacent ground.
 - b. The sign must display the street numbers of the property on the face of the sign. Street numbers must measure between a minimum of four inches and a maximum of six inches in

height. The copy area of the street number will not be counted toward the allowable sign copy area.

c. Signs must complement the architectural style of the building or development.

(b) Wall-mounted identification signs.

(1) A wall-mounted identification sign may be placed on the front wall of a building providing it meets the requirements of LDC Section 30-153.

(2) The total sign area of the wall sign cannot exceed 10% of window area.

(c) Palm Beach Boulevard: nonresidential developments and multiple-occupancy complexes with more than five establishments:

(1) Will be permitted one ground mounted identification sign per road frontage.

a. No sign may exceed 150 square feet in area per complex with a maximum height of eight (8) feet.

b. When the primary use across the secondary street contains an existing single-family dwelling unit on an individual lot, the sign is limited to maximum of 24 square feet in area with a maximum height of six (6) feet and may not be illuminated.

c. Individual occupants within a multiple-occupancy complex may place a non illuminated signs on a wall facing a local street.

(d) Palm Beach Boulevard: individual office, civic, business establishments, and multiple occupancy complexes with five or less establishments:

(1) Will be permitted one ground mounted identification sign per road frontage.

a. Primary road frontage will be permitted a maximum height of eight (8) feet with a maximum area of 32 square feet.

b. Secondary road frontage will be permitted a maximum height of six feet with a maximum area of 24 square feet.

c. Provisions for a corner lot as listed in LDC Section 30-153(3)a.6 do not apply.

(2) When the primary use across the secondary street contains an existing single-family dwelling unit on an individual lot, a wall sign facing Palm Beach Boulevard is allowed. The sign may not be illuminated.

(e) Sign Lighting.

(1) Ground mounted identification signs:

a. Illumination must comply with LDC Section 34-625.

b. Exposed raceways are prohibited.

(f) Alva Diner Sign

The existing Alva Diner neon (coffee cup) sign does not comply with the requirements in this Article. It will become nonconforming and may continue to exist in its nonconformity in accordance with LDC Chapter 34.

Sec. 33-XXXX. Permanent signs for live-work units. Live-work units, in accordance with LDC Section 33-1431(c)(2), are permitted one sign on the property: A ground mounted identification sign; or a window sign. A window sign may not exceed more than 10% of the window area. A ground mounted sign is limited to a maximum structure size of 24 square feet (and a maximum height of six (6) feet (as measured in accordance with LDC Sections 30-91 and 30-92.) Signs may not be illuminated.

Subdivision XX.
Roadways

Sec. 33-XXXX. Local and private roadways. To retain the rural character and aesthetic appeal, existing private and non-county maintained roads will not be widened.

Sec.33-XXXX. Setbacks from arterial and collector roadways. The minimum setback for buildings from arterial and collector roadways must be a minimum of 50 feet. Parking is not allowed within the front setback.

Sec. 33-XXXX. Scenic Corridors. North River Road, Broadway Street, Joel Boulevard, and Palm Beach Boulevard scenic corridor plantings.

- (a) New developments with frontage on North River Road, Broadway Street, Joel Boulevard, and Palm Beach Boulevard must provide a 25-foot wide right-of-way buffer, planted with non-invasive native canopy trees, such as Live Oaks or Red Maples. The required planting height of the native canopy tree shall be a minimum of fourteen (14) feet, with a minimum four (4) inch caliper as measured from 4.5 feet from the ground. Native shrubs, such as saw palmettos, at a 3 gallon minimum container size, calculated at eighteen (18) shrubs per 100 linear feet are required to be planted in clusters. Shrubs must be a minimum of 24 inches in height at the time of installation. In order to maintain a natural rural appearance, native shrubs may not be planted in repeating and/or linear patterns. Irrigation per LDC 10-414 (b) is required.

Subdivision XX.
Utilities

Sec.33-XXXX. Utilities. Alva is a rural area serviced by well and septic systems. All new developments must show how the proposed project meets or exceeds water and wastewater service levels provided in LDC Chapter 10.

Subdivision XX
Transfer Development Rights

Sec.33-XXXX. Transfer Development Rights. Property owners may opt to transfer the density rights associated with their land to other receiving areas in the County as long as they are designated as being within an urban category on the Future Land Use Map. Lands within the Alva Rural Community may not receive transfer density from lands in or outside of the Alva Rural Community.

DIVISION 3.
HISTORIC CORE

Sec. 33-XXXX. Applicability and Historic Core boundaries. The Historic Core includes all lands north of the Caloosahatchee River identified on the Alva Plat as recorded in Plat Book 1 on Page 10 in the public records of Lee County. The following standards apply to new commercial, mixed-use and civic developments requiring zoning or local development order approval within the Historic Core in addition to the community-wide regulations provided in Divisions 1 and 2.

Sec. 33-XXXX. Shared parking is allowed. Reduced parking requirements may be approved in accordance with LDC Section 34-2020 (c).

Sec. 33-XXXX. Building Massing and Bulk. The overall form of proposed buildings, such as height, front, and side yard setbacks, roof pitch, and length of building frontage must be constructed in accordance with these regulations.

Sec. 33-XXXX. Roofs. Flat roofs are prohibited.

Sec. 33-XXXX. Height restrictions. Buildings and structures may not exceed two (2) stories or 25 feet in height.

Sec.33-XXXX. Landscape. Reduction of landscaping, buffer widths, and open space requirements may be approved in accordance with LDC Section 34-268.

Sec.33-XXXX. Design Standards.

- (a) **Outdoor display of merchandise.** Sidewalks located outside of the public rights-of-way may display merchandise sold within the building directly in front of an establishment, provided the property maintains at least five (5) feet of clearance, as measured from the street right-of-way.
- (b) **Outdoor displays are permitted only during business hours, and must be removed at the end of the business day.**
- (c) **Displays are prohibited within rights-of-way.**

DIVISION IV.
RURAL VILLAGE MIXED-USE COMMUNITIES

Sec.33-XXXX. Rural Village Mixed Use Communities, as provided in the Lee Plan, may be permitted if it is located within the Mixed Use Overlay and zoned as a Mixed Use Planned Development or developed consistent with Lee Plan Goal 26 (future Goal 13) and Land Development Code Chapter 32.

SECTION FIVE: AMENDMENT TO LDC CHAPTER 34

Lee County Land Development Code Chapter 34 is amended as follows with strikethrough identifying deleted text and underling identifying new text.

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

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

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

- (1) Estero.
- (2) Greater Pine Island.
- (3) Page Park.
- (4) Caloosahatchee Shores.
- (5) Lehigh Acres.
- (6) North Fort Myers.
- (7) Matlacha
- (8) Upper Captiva.
- (9) North Olga.
- (10) Alva.