

LEE COUNTY ORDINANCE NO. 14-16
ESTERO COMMUNITY PLAN UPDATE
(CPA2014-00003)

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT PERTAINING TO THE ESTERO COMMUNITY PLAN UPDATE (CPA2014-00003) APPROVED DURING A PUBLIC HEARING; PROVIDING FOR PURPOSE, INTENT, AND SHORT TITLE; AMENDMENTS TO ADOPTED MAP AND TEXT; LEGAL EFFECT OF "THE LEE PLAN"; PERTAINING TO MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, the Lee County Comprehensive Plan ("Lee Plan") Policy 2.4.1. and Chapter XIII, provides for adoption of amendments to the Plan in compliance with State statutes and in accordance with administrative procedures adopted by the Board of County Commissioners ("Board"); and,

WHEREAS, the Board, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-6 provide an opportunity for the public to participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency ("LPA") held a public hearing on the proposed amendment in accordance with Florida Statutes and the Lee County Administrative Code on April 28, 2014 and May 19, 2014,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on June 18, 2014. At that hearing, the Board approved a motion to transmit, and did later transmit, proposed amendment pertaining to Estero Community Plan Update (CPA2014-00003) to the reviewing agencies set forth in Section 163.3184(1)(c), F.S. for review and comment; and,

WHEREAS, at the June 18, 2014 meeting, the Board announced its intention to hold a public hearing after the receipt of the reviewing agencies' written comments; and,

WHEREAS, on August 20, 2014, the Board held a public hearing and adopted the proposed amendment to the Lee Plan set forth herein.

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

SECTION ONE: PURPOSE, INTENT AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted public hearings to review proposed amendments to the Lee Plan. The purpose of this ordinance

is to adopt map and text amendments to the Lee Plan discussed at those meetings and approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." **This amending ordinance may be referred to as the "Estero Community Plan Update Ordinance (CPA2014-00003)."**

SECTION TWO: ADOPTION OF COMPREHENSIVE PLAN AMENDMENT

The Lee County Board of County Commissioners amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment, which amends Lee Plan Goal 19, to meet the community's desire to encourage economic diversity; mixed-use centers; and, improve linkages between residential, commercial, and other uses, known as Estero Community Plan Update (CPA2014-00003).

The corresponding Staff Reports and Analysis, along with all attachments for this amendment are adopted as "Support Documentation" for the Lee Plan. Proposed amendments adopted by this Ordinance are attached as Exhibit A.

SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

No public or private development will be permitted except in conformity with the Lee Plan. All land development regulations and land development orders must be consistent with the Lee Plan as amended.

SECTION FOUR: MODIFICATION

It is the intent of the Board of County Commissioners that the provisions of this Ordinance may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications shall be incorporated into the final version.

SECTION FIVE: GEOGRAPHIC APPLICABILITY

The Lee Plan is applicable throughout the unincorporated area of Lee County, Florida, except in those unincorporated areas included in joint or interlocal agreements with other local governments that specifically provide otherwise.

SECTION SIX: SEVERABILITY

The provisions of this ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the powers herein provided. If any of the provisions of this ordinance are held unconstitutional by a court of competent jurisdiction, the decision of that court will not affect or impair the remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

SECTION SEVEN: INCLUSION IN CODE, CODIFICATION, SCRIVENERS' ERROR

It is the intention of the Board of County Commissioners that the provisions of this ordinance will become and be made a part of the Lee County Code. Sections of this ordinance

may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or other appropriate word or phrase in order to accomplish this intention; and regardless of whether inclusion in the code is accomplished, sections of this ordinance may be renumbered or relettered. The correction of typographical errors that do not affect the intent, may be authorized by the County Manager, or his or her designee, without need of public hearing, by filing a corrected or recodified copy with the Clerk of the Circuit Court.

SECTION EIGHT: EFFECTIVE DATE

The plan amendments adopted herein are not effective until 31 days after the State Land Planning Agency notifies the County that the plan amendment package is complete. If timely challenged, an amendment does not become effective until the State Land Planning Agency or the Administrative Commission enters a final order determining the adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before the amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status.

THE FOREGOING ORDINANCE was offered by Commissioner Manning, who moved its adoption. The motion was seconded by Commissioner Pendergrass. The vote was as follows:

John E. Manning	Aye
Cecil L Pendergrass	Aye
Larry Kiker	Aye
Brian Hamman	Aye
Frank Mann	Aye

DONE AND ADOPTED this 20th day of August 2014.

ATTEST:
LINDA DOGGETT, CLERK

LEE COUNTY BOARD OF
COUNTY COMMISSIONERS

BY: Marcia Wilson
Deputy Clerk

BY: Larry Kiker
Larry Kiker, Chair

Date: August 20, 2014



APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

[Signature]
County Attorney's Office

Exhibit A: Adopted revisions to Lee Plan Goal 19 (Adopted by BOCC August 20, 2014)

EXHIBIT A

Note: Text depicted with underscore represents additions to the Lee Plan. Strike-through text represents deletions from the Lee Plan.

Future Land Use, Estero Goal 19

~~To establish a community that embraces its historic heritage, while carefully planning for future growth resulting from Florida Gulf Coast University, the Southwest Florida International Airport, growing population and a unique natural environment. Estero's growth will be planned as a village, establishing defined areas for tasteful shopping, service, and entertainment, while protecting and encouraging residential neighborhoods that encourage a sense of belonging. Weaving the community together will be carefully crafted limitations on strip commercial uses, inappropriate signage, and certain undesired commercial uses, while additional design guidelines will be established to ensure attractive landscaping, streetscaping, architectural standards, and unified access points. The implementation of this vision will help reduce the conflict between residential and commercial areas, as well as allow Estero to emerge as a vibrant Lee County Village.~~

~~**GOAL 19: ESTERO.** To protect the character, natural resources and quality of life in Estero by establishing minimum aesthetic requirements, managing the location and intensity of future commercial and residential uses, and providing greater opportunities for public participation in the land development approval process. This Goal and subsequent objectives and policies apply to the Estero Planning Community as depicted on Map 16. (Added by Ordinance No. 02-05)~~

~~**OBJECTIVE 19.1: COMMUNITY CHARACTER.** The Estero Community will draft and submit regulations, policies and discretionary actions affecting the character and aesthetic appearance of Estero for Lee County to adopt and enforce to help create a visually attractive community. (Added by Ordinance No. 02-05)~~

~~**POLICY 19.1.1:** By the end of 2002, The Estero Community will draft and submit regulations or policies for Lee County to review, amend or establish as Land Development Code regulations that provide for enhanced landscaping along roadway corridors, greater buffering, shading of parking areas, signage and lighting consistent with the Community Vision, and architectural standards. (Added by Ordinance No. 02-05)~~

~~**POLICY 19.1.2:** Lee County is discouraged from approving any deviation that would result in a reduction of landscaping, buffering, signage guidelines or compliance with architectural standards. (Added by Ordinance No. 02-05)~~

~~**POLICY 19.1.3:** Lee County will work, through the permitting process, with private property owners to establish incentives for voluntarily bringing older projects into compliance with the regulations adopted as a result of the Estero Community Plan. (Added by Ordinance No. 02-05)~~

~~**POLICY 19.1.4:** The Estero Community will work in conjunction with private developers, public agencies and community service providers to establish one or several town commons that encourage the location of a post office, public meeting hall, outdoor plaza, governmental offices, medical providers and recreational opportunities. (Added by Ordinance No. 02-05)~~

~~**POLICY 19.1.5:** By 2002, the Estero Community will draft a corridor management plan for the Estero US 41 corridor to advance development in a manner that promotes a safe, high quality urban environment. Plan elements will include roadway and median landscape standards, residential buffering standards, access management guidelines, street lighting, sidewalks, and insuring safe and effective pedestrian crossings within the context of a comprehensive pedestrian and bikeway system. (Added by Ordinance No. 02-05)~~

~~**POLICY 19.1.6:** By 2004 Lee County will evaluate historic resources, and draft a proposal for their designation under Chapter 22 of the Land Development Code. (Added by Ordinance No. 02-05)~~

~~**OBJECTIVE 19.2: COMMERCIAL LAND USES.** Existing and future County regulations, land use interpretations, policies, zoning approvals, and administrative actions must recognize the unique conditions and preferences of the Estero Community to ensure that commercial areas maintain a unified and pleasing aesthetic/visual quality in landscaping, architecture, lighting and signage, and provide for employment opportunities, while discouraging uses that are not compatible with adjacent uses and have significant adverse impacts on natural resources. (Added by Ordinance No. 02-05)~~

~~**POLICY 19.2.1:** All new commercial development that requires rezoning within the Estero Planning Community must be reviewed as a Commercial Planned Development. (Added by Ordinance No. 02-05)~~

~~**POLICY 19.2.2:** All retail uses must be in compliance with the Commercial Site Location Standards. A finding of a "Special Case" must demonstrate a community benefit in addition to the requirements outlined in Policy 6.12(8). (Added by Ordinance No. 02-05)~~

~~**POLICY 19.2.3:** By the end of 2002 the Estero Community will submit regulations that encourage mixed use developments along Corkscrew Road for Lee County to review, amend or adopt. (Added by Ordinance No. 02-05)~~

~~**POLICY 19.2.4:** With the exception of the Commercial Nodes identified on Map 19, Lee County will discourage new retail uses along Three Oaks Parkway, in favor of office and residential uses. (Added by Ordinance No. 02-05)~~

~~**POLICY 19.2.5:** The following uses are prohibited within the Estero Planning Community: "detrimental uses" (as defined in the Land Development Code); nightclubs or bar and cocktail lounges not associated with a Group III Restaurant; and retail uses that require outdoor display in excess of one acre. Outdoor display in excess of one acre is permitted within the property located in the General Interchange Future Land Use Category west of I-75, south of Corkscrew Road, and east of Corkscrew Woodlands Boulevard. (Added by Ordinance No. 02-05, Amended by Ordinance No. 05-19)~~

~~**POLICY 19.2.6:** Lee County encourages commercial developments within the Estero Planning Community to provide interconnect opportunities with adjacent commercial uses in order to minimize access points onto primary road corridors; and residential developments to provide interconnect opportunities with commercial areas, including but not limited to bike paths and pedestrian access ways. (Added by Ordinance No. 02-05)~~

~~**OBJECTIVE 19.3: RESIDENTIAL USES.** Lee County must protect and enhance the residential character of the Estero Planning Community by strictly evaluating adjacent uses, natural resources, access and recreational or open space, and requiring compliance with enhanced buffering requirements. (Added by Ordinance No. 02-05)~~

~~**POLICY 19.3.1:** In order to meet the future needs of Florida Gulf Coast University, Lee County encourages higher density residential developments, with a mix of unit types, including affordable housing, in close proximity to Florida Gulf Coast University, between Three Oaks Parkway and I-75. (Added by Ordinance No. 02-05)~~

~~**POLICY 19.3.2:** By the end of 2002, The Estero Community will draft and submit regulations and policies for Lee County to review, amend or adopt as regulations in the Land Development Code to provide for greater buffering between distinctly different adjacent commercial and residential properties, modified however when a project is of mixed use nature. (Added by Ordinance No. 02-05)~~

~~**POLICY 19.3.3:** Lee County will protect the large lot residential areas between Koreshan Parkway and Corkscrew Road by requiring significant buffers between existing lots and higher density residential developments, and/or the placement of transitional density to adjacent units between the uses. (Added by Ordinance No. 02-05)~~

~~**OBJECTIVE 19.4: NATURAL RESOURCES.** County regulations, policies, and discretionary actions affecting Estero must protect or enhance key wetland or native upland habitats. (Added by Ordinance No. 02-05)~~

~~**POLICY 19.4.1:** By the end of 2003, Lee County will review, amend or adopt Lee Plan or Land Development Code regulations to provide the following:~~

- ~~• All future development proposals adjacent to the Estero River or its tributaries must include floodplain protection plans prior to zoning approval.~~
- ~~• All new developments adjacent to the Estero River or its tributaries must provide an additional buffer which preserves all of the native vegetation within that buffer, adjacent to the top of bank, with the exception of passive recreational uses. This is intended to prevent degradation of water quality within these natural water bodies.~~
- ~~• Lee County will encourage on-site preservation of indigenous plant communities and listed species habitat. When site constraints are such that off-site mitigation of indigenous areas is deemed necessary, the mitigation will be of similar habitat, provided whenever possible, within one mile of the Estero Fire District Boundary.~~
- ~~• Lee County will provide significant incentives (for example increased density, Transfer of Development Rights, etc) for the protection of wetlands, historic flow ways, native habitat or other significant natural resources within the Estero Planning Community. (Added by Ordinance No. 02-05)~~

~~**POLICY 19.4.2:** Lee County, or another authorized agency, will work to provide alternative irrigation sources (re-use, Aquifer Storage and Recovery Water, or mixed non-potable) or financial incentives to provide non-potable water to uses within the Estero Community. This is desired to discourage the proliferation of private, single user wells. (Added by Ordinance No. 02-05)~~

~~**POLICY 19.4.3:** Lee County will continue to enforce wellfield protection requirements, monitoring,~~

~~and other applicable provisions to ensure that future wellfield drawdown zones are protected. (Added by Ordinance No. 02-05)~~

~~**OBJECTIVE 19.5: PUBLIC PARTICIPATION.** Lee County will encourage and solicit public input and participation prior to and during the review and adoption of county regulations, Land Development Code provisions, Lee Plan provisions, and zoning approvals. (Added by Ordinance No. 02-05)~~

~~**POLICY 19.5.1:** As a courtesy, Lee County will register citizen groups and civic organizations within the Estero Planning Community that desire notification of pending review of Land Development Code amendments and Lee Plan amendments. Upon registration, Lee County will provide registered groups with documentation regarding these pending amendments. This notice is a courtesy only and is not jurisdictional. Accordingly, the County's failure to mail or to timely mail the notice, or failure of a group to receive mailed notice, will not constitute a defect in notice or bar a public hearing from occurring as scheduled. (Added by Ordinance No. 02-05)~~

~~**POLICY 19.5.2:** The Estero Community will establish a "document clearing house" in Estero, where copies of selected zoning submittal documents, staff reports, Hearing Examiner recommendations and resolutions will be provided for public inspection. The County's failure to provide or to timely provide documents to the document clearing house, or failure of the document clearing house to receive documents, will not constitute a defect in notice or bar a public hearing from occurring as scheduled. (Added by Ordinance No. 02-05)~~

~~**POLICY 19.5.3:** The owner or agent for any Planned Development request within the Estero Planning Community must conduct one public informational session where the agent will provide a general overview of the project for any interested citizens. Lee County encourages zoning staff to participate in such public workshops. This meeting must be conducted before the application can be found sufficient. The applicant is fully responsible for providing the meeting space and providing security measures as needed. Subsequent to this meeting, the applicant must provide County staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised. (Added by Ordinance No. 02-05)~~

~~**OBJECTIVE 19.6: COMMUNITY FACILITIES.** Lee County will work with the Estero Community to provide or facilitate the provision of a broad mix of Community Facilities. (Added by Ordinance No. 02-05)~~

~~**POLICY 19.6.1:** The Estero Community will work with the State of Florida to provide appropriate passive recreational opportunities within the Estero Scrub Preserve, potentially enhanced by a public/private partnership. This should include easy access, parking, trails, and other non-intrusive uses. (Added by Ordinance No. 02-05)~~

~~**POLICY 19.6.2:** The Estero Community will work with the State of Florida to encourage the integration of the Koreshan State Historic Site into the fabric of the community. This may include landscaping, aesthetically pleasing archways along US 41, the provision of a "gateway" at US 41 and Corkscrew Road, enhanced pedestrian and bicycle access, or programmed activities for the community. (Added by Ordinance No. 02-05)~~

POLICY 19.6.3: Lee County will work with the community and private landowners to identify opportunities to maintain public access to the Estero River and Estero Bay.
(Added by Ordinance No. 02-05)

POLICY 19.6.4: Lee County will work with the community to ensure that the development of the Estero Bonita Springs Community Park is integrated into the surrounding development and open space areas. The concept would be for the park to act as a hub, connected to other open space/recreational opportunities through pedestrian or bicycle linkages, either along public rights of way or through adjacent developments. (Added by Ordinance No. 02-05)

To establish a community that embraces its historic heritage and protects the environment, while carefully planning for future development resulting from a desirable high quality of life, expanding economic opportunities, and proximity to Florida Gulf Coast University and the Southwest Florida International Airport. Estero's growth will be planned with strong neighborhoods, diverse economic generators, interconnected mixed-use centers, varied parks, public spaces, recreational facilities, and unique natural environments that fosters a sense of belonging and creates a sense of place. Estero will be a highly valued place to live, work, and visit because of development standards and design guidelines that promote: 1) desirable neighborhoods and public amenities; 2) vibrant economic centers; 3) attractive landscaping, streetscaping, lighting, signage, and architectural features; and 4) an interconnected transportation network. The implementation of this vision will successfully link residential and commercial areas and uphold Estero as a vibrant Lee County community.

GOAL 19: ESTERO VISION. Promote the development of Estero as a community with a unique quality of life, distinct character, and diverse housing, economic, recreational, and social opportunities by:

- a. Protecting the natural resources, environment, and lifestyle;
- b. Establishing minimum aesthetic and design requirements;
- c. Managing the type, location, quality, design and intensity of future land uses;
- d. Providing greater opportunities for public participation in the land development approval process; and
- e. Promoting a true sense of place in Estero.

OBJECTIVE 19.1: COMMUNITY CHARACTER AND LAND USE. Promote community character through the implementation of planning and development practices that create a visually attractive community, an enhanced quality of life, and foster a unique sense of place.

POLICY 19.1.1: Support the unique character and quality of life within the Estero community by managing growth and development and by maintaining and executing Lee Plan policies, Land Development Code (LDC) regulations, and other planning tools that:

- a. Implement and maintain commercial development standards for architecture, landscaping, buffering, signage, lighting designs and visual appearance of developments, transportation facilities, and other community amenities;
- b. Promote the use of low impact design, sustainable energy, water, and other environmental features;
- c. Establish higher density, mixed-use development within areas targeted on the Mixed-Use Overlay;
- d. Encourage the redevelopment and infill of underutilized commercial and residential lands; and

e. Increase public participation in the land development approval process to ensure future development efforts support the Estero community plan and adopted Lee Plan policies and LDC standards.

POLICY 19.1.2: Lee County may not approve any proposed project that is inconsistent with the Lee Plan including this Goal 19 and its objectives and policies. Projects will be reviewed through a public process that includes the Estero community, property owners, and Lee County staff to ensure that the development is consistent with Estero's plan and vision.

POLICY 19.1.3: Encourage new developments that achieve the Estero community's vision and planning goal and policies and are consistent with mixed-use design, architectural, location, connectivity and public access standards by establishing and implementing development incentives within the Lee Plan and Land Development Code that:

- a. Promote urban integrated forms of development in targeted areas identified on the Mixed-Use Overlay;
- b. Promote targeted industries in appropriate areas of Estero—e.g.: healthcare, arts and culture, technology, and research and development facilities;
- c. Promote the use of green design, sustainable energy, water, and other environmental features;
- d. Expedite development projects particularly in targeted incentive zones where the community has adopted mixed-use plans and LDC standards;
- e. Enable infill of underutilized commercial and residential lands; and
- f. Encourage residential developments to use the bonus density established through the Lee Plan Urban land use categories.

POLICY 19.1.4: Facilitate the redevelopment of properties constructed prior to the adoption of Estero Lee Plan policies and LDC regulations by establishing incentives (including, but not limited to, utilization of Bonus Densities established through the Lee Plan Urban land use categories) and streamlined development processes that enable older properties to come into compliance with adopted Lee Plan policies and LDC standards.

POLICY 19.1.5: Recognize the unique historical and cultural values of the Estero Community by establishing and implementing development incentives and regulations within the Lee Plan and Land Development Code that:

- a. Encourage the development of the Old Estero area into a mixed-use center;
- b. Incorporate design features of Estero's historic structures into future architectural design, streetscape, and community-wide LDC standards; and
- c. Identify, protect, and promote historic resources and facilities such as those related to Koreshan Park, Old Estero area, and the Estero Community Park.

POLICY 19.1.6: Establish and promote Estero's unique character and identity by enhancing the community's boundaries through the use of gateway entry features such as ornamental landscape features, hardscape elements and Estero identification signs. Encourage, where feasible, that gateways are constructed by working with the Florida Department of Transportation and private property owners to build the gateways at appropriate locations.

POLICY 19.1.7: Explore opportunities to identify, prioritize, and fund local capital improvement projects (particularly projects that enhance transportation and infrastructure systems) within the Estero community. Evaluate the feasibility of local, dedicated funding options—e.g.: MSBU, Tax

Increment Finance District, or other similar mechanism. Capital projects that could be targeted for such funding include:

- a. Streetscape improvements such as roadway pavers, street furniture, street signs and lighting, trash receptacles, and other hardscape features—particularly in Old Estero and within new mixed-use centers;
- b. Pedestrian scale lighting;
- c. Landscaping and hardscape features—particularly along US 41;
- d. Public trails and greenways facilities;
- e. Blue way facilities that provide public access to Estero River;
- f. Multi-modal transportation facilities that expand or establish pedestrian, bike, transit, and rail services;
- g. Public space, park, and recreational facilities;
- h. Urban level infrastructure services and systems within mixed-use center areas; and
- i. Historic resources and facilities such as those associated with the Koreshan Park and Estero Community Park.

OBJECTIVE 19.2: MIXED-USE CENTERS AND ECONOMIC AREAS. Promote Estero's quality of life and diverse local economy by fostering the development of mixed-use centers and targeted economic areas, as a preference over the development of strip commercial centers. The aim of the mixed-use centers is to provide Estero with central gathering places for Estero's residents, business people, and visitors. The aim of the economic areas is to provide the community a diverse employment and economic base while meeting the commercial, professional, and service needs of the people who live, work, and play within the community.

POLICY 19.2.1: Where feasible, provide for the development of walkable mixed-use town centers and economic areas featuring diverse housing options; government offices and public facilities; medical facilities; employment centers; public gathering places, parks, outdoor plazas, and other public spaces; greenway trails and pathways; and public access to the community's natural resources through Lee Plan policies and LDC regulations that support Estero's distinct community character and the following community priorities:

- a. Support the development of a central town center to unify the community;
- b. Improve the connectivity between Estero's residential neighborhoods, economic areas, civic uses, and park and recreational facilities;
- c. Diversify the community's economic base and employment opportunities;
- d. Encourage the development of targeted industry clusters—particularly health industries, professional services and businesses, and technology, research, and development;
- e. Expand multi-modal transportation options through improved pedestrian access, bikeways, transit service, and rail opportunities;
- f. Improve access to the community's blueways—particularly the Estero river—, greenway trails, other open spaces;
- g. Promote the community's cultural and historic resources; public spaces, parks, and recreational facilities; and other community amenities;
- h. Commercial and mixed-use developments will maintain a unified and consistent aesthetic/visual quality in landscaping, architecture, lighting, and signage; and
- i. Promote and incentivize private investment within mixed-use centers and economic areas.

POLICY 19.2.2: Facilitate the development of a town center for the Estero community through the development of LDC standards, plans, and incentives that address the community's need for a central civic and economic core that is connected to surrounding residential neighborhoods,

commercial areas, and community park and recreational facilities.

POLICY 19.2.3: Establish a safe and desirable urban environment within the Estero community by adopting LDC standards that guide development in the community's major economic areas near FGCU, along the U.S. 41 corridor, along Corkscrew Road, and in the Old Estero area that:

- a. Address streetscaping design and amenities, residential buffering standards, commercial center developments, signage, transportation facility needs, and other community concerns;
- b. Provide for the economic and employment needs of the Estero community by utilizing the Mixed-Use Overlay to facilitate the development of mixed-use centers along the US 41, Corkscrew Road, Three Oaks Parkway, Ben Hill Griffin Parkway, Via Coconut/Sandy Lane, and in the Old Estero area; and
- c. Encourage mixed-use centers at these locations.

POLICY 19.2.4: Ensure that future commercial and mixed-use developments meet the community's planning priorities by requiring that all new commercial development which requires rezoning within Estero must be rezoned to a Commercial (CPD), Mixed Use (MPD), or Compact Communities Planned Development (CCPD).

POLICY 19.2.5: Except as set forth in Policy 19.2.6, the following uses are prohibited within Estero: "detrimental uses" (as defined in the Land Development Code, as amended); nightclubs or bar and cocktail lounges unless within a Group III Restaurant; tattoo parlors; and retail uses that require outdoor display in excess of one acre. Outdoor display in excess of one area acre is permitted within the property located in the General Interchange Future Land Use Category west of I-75, south of Corkscrew Road, and east of Corkscrew Woodlands Boulevard.

POLICY 19.2.6: Nightclubs, bars, and cocktail lounges, which are not within a Group III Restaurant, may be permitted within a mixed use center approved as a CCPD or MPD through the public hearing process. The CCPD or MPD Project must include, at a minimum, a residential development of 1000 or more dwelling units and commercial development or activity which includes 1,000,000 square feet or more of floor area. These uses must be designed as part of an overall development project and placed within the project so that it is 1) located adjacent to entertainment and restaurant establishments and 2) located in the approximate center of the mixed-use development project.

POLICY 19.2.7: Encourage commercial developments within the Estero Planning Community to provide interconnect opportunities with adjacent commercial uses in order to minimize access points onto primary road corridors; and residential developments to provide interconnect opportunities with commercial areas, including, but not limited to, bike paths and pedestrian accessways.

POLICY 19.2.8: Encourage the development of medical related uses within Estero by working with Economic Development Staff and private property owners to adopt appropriate land use policies, land development standards, identify appropriate sites and locations, and establish incentives for the development of health related facilities. Particular emphasis will focus on establishing a medical economic center in the southern section of Estero along U.S. 41.

POLICY 19.2.9: Facilitate the development of professional, and research and development economic areas by working with Economic Development Staff and private property owners to adopt land development standards, identify appropriate sites and locations, and establish

incentives for the development of professional and research and development facilities. Particular emphasis shall be on locating such facilities in areas that are in the proximity of FGCU educational resources and high technology facilities.

OBJECTIVE 19.3: RESIDENTIAL NEIGHBORHOODS. Support Estero's quality of life, promote the community's unique character through the development of diverse, well-designed, and well-connected residential neighborhoods, and provide for the needs of multigenerational community by supporting a variety of housing types and neighborhood development forms.

POLICY 19.3.1: Support and enhance Estero's residential character by establishing land development regulations that specifically address how the proposed residential neighborhoods:

- a. Are compatible with adjacent uses, public facilities, and infrastructure systems;
- b. Impact surrounding environmental and natural resources;
- c. Access, where applicable, nearby parks, public spaces, recreational facilities, and greenways, blueways, and natural open spaces;
- d. Connect to adjacent residential developments, mixed-use centers, economic areas, public facilities, natural resources, and other community facilities; and
- e. Contribute to the overall design, landscaping, and aesthetics that make up the community's character.

POLICY 19.3.2: Meet the future residential and commercial needs of Florida Gulf Coast University by encouraging higher density residential developments, with a mix of unit types and design forms, including affordable housing and mixed-use centers, in close proximity to Florida Gulf Coast University. The development of such housing and mixed-use centers will consider the transitions between the adjacent residential neighborhoods, commercial centers, and park and recreational facilities.

POLICY 19.3.3: Establish LDC landscape requirements for the maintenance and development of a well-designed and landscaped community while providing appropriate transitions between residential uses and surrounding areas. Such landscaping requirements may be greater between residential and commercial uses, while less stringent within differing uses within a mixed-use center.

OBJECTIVE 19.4: TRANSPORTATION CONNECTIVITY AND MOBILITY. Facilitate the development of an interconnected community that enables people to easily access Estero's neighborhoods, commercial and mixed-use centers as well as other areas within the county and region through an integrated transportation and mobility system.

POLICY 19.4.1: Establish land development code standards that ensure the development of a well connected transportation system that includes pedestrian pathways, bikeways, transit, and roadways. These standards should:

- a. Require, where feasible, interconnects with adjacent uses;
- b. To the extent feasible, minimize access points onto primary road corridors by providing multiple access to adjacent properties;
- c. Link neighborhoods, commercial and mixed-use centers, public facilities, and parks; and
- d. Enable multi-modal transportation access (pedestrian, bike, vehicular, and transit) within and between the different neighborhoods, economic and employment centers, civic uses, and public space, park, and recreational facilities within the Estero Community.

POLICY 19.4.2: Expand opportunities for Estero's transportation network of pedestrian and bicycle pathways, sidewalks, trails, and other facilities by working with the State of Florida and other local, state, and regional entities to:

- a. Construct multi-use pathways that feature shade trees, benches, bike racks, and other design elements to attract usage;
- b. Identify targeted funding sources including development contributions, private donations, public funding sources (e.g.: MSBU), or other mechanisms;
- c. Implement the greenways master plan within the Estero community by working with Lee County Parks Department;
- d. Utilize the FP&L right of way within Estero State Buffer Preserve by working with FP&L and Lee County;
- e. Establish a pedestrian-bike trail within or along the rail right of way for public recreation by working with the existing rail corridor and private developers; and
- f. Encourage the development of an effective rail system by working with the existing rail corridor to improve and expand use of existing rail facilities.

POLICY 19.4.3: All public and private rights-of-way within future mixed-use centers and the Old Estero area, as defined in the Land Development Code, are encouraged to be designed to include pedestrian ways, cross walks and traffic calming measures including, where appropriate, on-street parking, raised crosswalks, narrow lane widths or other similar mechanisms.

POLICY 19.4.4: Provide for well designed, safe, and multi-use transportation corridors by establishing, maintaining, and implementing complete street design guidelines for the major roadways within Estero including the US 41, Corkscrew Road, Via Coconut/Sandy Lane, and Three Oaks Parkway. In design, provide roadway and median landscape standards, access management guidelines, signage, street lighting, and sidewalks to ensure safe and effective pedestrian crossings within the context of a comprehensive pedestrian and bikeway system.

POLICY 19.4.5: Address regional transportation demands and considerations by proactively working with private developers, and the applicable advisory boards and other local, regional, and state agencies to improve transportation connectivity and mobility throughout Estero and to other communities.

OBJECTIVE 19.5: NATURAL RESOURCES AND ENVIRONMENT. Ensure that Estero's natural environment enhances the character and quality of life of the community by protecting the natural resources of Estero, promoting the area's natural environment to visitors and residents, and supporting public access to greenway and waterfront areas.

POLICY 19.5.1: Protect the natural environment and resources of Estero by maintaining, amending, and implementing Lee Plan or LDC regulations that:

- a. Promote the quality of Estero's natural environment, native species and habitats, and ecological resources; and
- b. Facilitate where feasible, new development to provide public access to Estero waterways and greenways, as appropriate. Particular emphasis shall be given to properties along Estero River, its tributaries, and any Estero open spaces;
- c. Incentivize the protection of Estero's natural resources—e.g.: wetlands, uplands, historic flow ways, native habitat, or other ecological resources; and
- d. Require all new developments adjacent to Estero River or its tributaries to incorporate design techniques that protect the river's water quality through improved runoff or stormwater

discharge practices. These techniques may include: the preservation of wetland areas, the incorporation of Low Impact Development techniques, or other surface water quality enhancement technologies.

POLICY 19.5.2: Improve public access, use, and enjoyment of Estero's waterfront and water-based resources by supporting the creation of community water-based amenities such as Estero Bay water taxi, marina facilities, or other water-dependent facilities.

POLICY 19.5.3: Support the long term protection of Estero's environment and natural resources by working with local, regional, state, and national agencies and organizations to identify and preserve natural resources and the environment.

POLICY 19.5.4: The Estero Community attaches great importance to the integrity of provisions in the Lee Plan and the Land Development Code with respect to the Density Reduction/Groundwater Resource Area (DR/GR) in so far as actions with respect to the DR/GR have an impact on the environment, natural resources, mobility, sense of place, and character of Estero.

OBJECTIVE 19.6: PUBLIC SPACES, PARKS, AND RECREATIONAL FACILITIES. Support Estero's quality of life through the development of a broad array of community parks, public spaces, and recreational facilities.

POLICY 19.6.1: Promote the development of a variety of public spaces, park, and recreational facilities within Estero by collaborating with the State of Florida, private developers and other local, state, and national organizations on the development of active and passive public resources and facilities.

POLICY 19.6.2: Expand the use, variety, and type of public spaces, parks, and recreational facilities within Estero by working with private developments to provide linkages, access, public parks, public space, and recreational amenities through the use of incentives, LDC requirements, and other development tools.

POLICY 19.6.3: Promote Estero Community Park as a hub for the entire community.

POLICY 19.6.4: Encourage the use of park areas to link neighborhoods, commercial and mixed-use centers, and other open space and recreational facilities through an integrated system of bike, pedestrian, and roadways connections.

POLICY 19.6.5: Consistent with the Lee Plan Parks, Recreation, and Open Space Element, integrate the Koreshan State Historic Site into the fabric of the community by collaborating with the appropriate agencies such as the State of Florida to improve the area's landscaping, enhance pedestrian and bicycle access, historic resources and structures, and community park program and activities.

POLICY 19.6.6: Consistent with the Lee Plan Parks, Recreation, and Open Space Element, provide passive recreational opportunities within Estero State Buffer Preserve, Estero River, and Estero Bay by collaborating with the appropriate local, regional, and state agencies and private property owners to ensure the community's parks, natural amenities, and open spaces have easy access, parking, trails, and other community amenities.

OBJECTIVE 19.7: PUBLIC PARTICIPATION. Ensure the public has meaningful and appropriate opportunities to participate in and comment upon development in and around the Estero community.

POLICY 19.7.1: As a courtesy, Lee County will register citizen groups and civic organizations within the Estero community planning area that desire notification of pending review of Land Development Code amendments and Lee Plan amendments. Upon registration, Lee County will provide registered groups with documentation regarding these pending amendments. This notice is a courtesy only and is not jurisdictional. Accordingly, the county's failure to mail or to timely mail the notice, or failure of a group to receive mailed notice, will not constitute a defect in notice or bar a public hearing from occurring as scheduled.

POLICY 19.7.2: The Estero Community will establish an online document clearing house for their community, where copies of selected zoning submittal documents, staff reports, Hearing Examiner recommendations, and resolutions will be provided for public inspection. The county's failure to provide or to timely provide documents to the online document clearing house, or failure of the online document clearing house to receive documents, will not constitute a defect in notice or bar a public hearing from occurring as scheduled.

POLICY 19.7.3: The owner or agent applying for Planned Developments, Rezoning, Variances, Special Exceptions, Plan Amendments, Administrative Amendments, and Development Orders for county approval within the Estero Community must conduct one public informational session within the community in a publicly owned or leased facility where the agent will provide a general overview of the project for any interested citizens. Lee County encourages planning, zoning, and/or development services staff to participate at such public meetings. This meeting must be conducted before the application can be found sufficient. The applicant is fully responsible for providing the meeting space, providing advance notice of the meeting place, time and date and providing security measures as needed. Subsequent to this meeting, the applicant must provide county staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised. If the applicant chooses to hold the public meeting before any established community groups, then the minutes of that meeting as may be applicable must be provided prior to a finding of sufficiency.



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

August 22, 2014

Honorable Linda Doggett
Clerk of the Circuit Courts
Lee County
Post Office Box 2469
Fort Myers, Florida 33902-2469

Attention: Marcia Wilson, Deputy Clerk

Dear Ms. Doggett:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy for Lee County Ordinance No. 14-16, which was filed in this office on August 22, 2014.

Sincerely,

Liz Cloud
Program Administrator

LC/elr

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STATE OF FLORIDA

COUNTY OF LEE

I Linda Doggett, Clerk of Circuit Court, Lee County, Florida, and ex-Officio Clerk of the Board of County Commissioners, Lee County, Florida, do hereby certify that the above and foregoing, is a true and correct copy of Ordinance No. 14-16, adopted by the Board of Lee County Commissioners, at their meeting held on the 20th day of August, 2014 and same filed in the Clerk's Office.

Given under my hand and seal, at Fort Myers, Florida, this 25th day of August, 2014.

LINDA DOGGETT
Clerk of Circuit Court
Lee County, Florida

By:



Deputy Clerk

