



## **LAND DEVELOPMENT CODE ADVISORY COMMITTEE**

**COMMUNITY DEVELOPMENT/PUBLIC WORKS BUILDING  
1500 MONROE STREET, FORT MYERS, FL 33901  
CONFERENCE ROOM 1B**

**FRIDAY, MAY 8, 2026  
8:30 A.M.**

### **AGENDA**

1. Call to Order/Review of Affidavit of Posting
2. Approval of Minutes – February 13, 2026
3. Land Development Code Amendments
  - A. Administrative Amendments to Existing Aggregate Mines – Allow for the consideration of administrative amendments to approved zoning conditions for existing mines, as defined by Chapter 12 of the Land Development Code.
  - B. Shipping Container Use and Stacking – Allows more permissive use of shipping containers generally and stacking of trailers and shipping containers on industrially zoned properties in certain land use categories subject to height and setback regulations.
  - C. Architectural Standards – Simplify commercial site design and architectural standards to allow for more flexibility in project designs.
  - D. General Update and Correction – Allow administrative deviations from certain lighting requirements. Also, make revisions for consistency with Solid Waste Ordinance, 11-27.
4. Adjournment  
Next Meeting Date: June 12, 2026

To view a copy of the agenda, go to [www.leegov.com/dcd/calendar](http://www.leegov.com/dcd/calendar).

For more information, contact Janet Miller (239) 533-8583 or [jmiller@leegov.com](mailto:jmiller@leegov.com).

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**MINUTES REPORT**  
**LAND DEVELOPMENT CODE ADVISORY COMMITTEE**  
**(LDCAC)**  
**Friday, February 13, 2026**  
**8:30 a.m.**

**Committee Members Present:**

Jay Johnson	Al Quattrone
Randy Krise, Vice Chair	Amy Thibaut, Chair
Jack Morris	Patrick Vanasse
Christopher Scott	

**Excused / Absent:**

Allie Beecher	Jarod Prentice
Stephen Coleman	Jennifer Sapen
Veronica Martin	

**Lee County Government Staff Present:**

Michael Jacob, Deputy Asst. County Atty.	Janet Miller, DCD Admin.
Brandon Dunn, Planning Manager	Brian Roberts, Development Services Manager

**AGENDA ITEM 1 - CALL TO ORDER/REVIEW OF AFFIDAVIT OF POSTING**

Ms. Thibaut, Chair, called the meeting to order at 8:30 a.m. in the Large First Floor CR 1B, Community Development/Public Works Building, 1500 Monroe Street, Fort Myers, Florida.

Mr. Michael Jacob, Deputy County Attorney, reviewed the Affidavit of Posting and found it legally sufficient as to form and content.

**AGENDA ITEM 2 – ELECTION OF OFFICERS**

**Chair**

**Mr. Krise made a motion to nominate Ms. Thibaut as Chair. The motion was seconded by Mr. Vanasse. The Chair called the motion, and it passed 7-0.**

**Vice Chair**

**Mr. Scott made a motion to nominate Mr. Krise as Vice Chair. The motion was seconded by Mr. Vanasse. The Chair called the motion, and it passed 7-0.**

**AGENDA ITEM 3 - APPROVAL OF MINUTES – November 14, 2025**

**Mr. Krise made a motion to approve the November 14, 2025 minutes. The motion was seconded by Mr. Johnson. The Chair called the motion, and it passed 7-0.**

**AGENDA ITEM 4 – LAND DEVELOPMENT CODE AMENDMENTS**

**A. Off-Street Parking and Loading Requirements**

Mr. Roberts provided an overview of the amendments and was available for questions.

Mr. Krise asked if there were any changes to the actual numbers of parking spaces.

Mr. Roberts stated there were no changes to the number of parking spaces. That specific language will remain in Chapter 34. He explained that there were some changes to references in the parking calculations in Chapter 34. He referred the Committee to the special notes and regulations section on Page 14 of 22. He noted that some of the numbers were corrected and some were removed in order to be consistent with the Code being cleaned up, but none of the numbers of parking spaces is being changed as part of this amendment.

Mr. Morris stated that was one of his questions too because there seemed to be a large section of additions and swapping, but no actual changes.

Mr. Roberts stated that the swapping is all of the parking lot design criteria that was in Chapter 34 being relocated to Chapter 10.

Mr. Morris stated the amendments include updating references as well.

Mr. Roberts stated that is correct.

Mr. Quattrone referred to (e)(1)(c) on Page 3 of 22 (Parking lot entrances) where it says, *"Maximum throat width at property line is 35 feet."* Mr. Quattrone noted there have been issues at times, for instance, when there is a property line that is close to the edge of pavement. By the time radiuses are included as you measure the property line, you can end up with 15 feet or less of a throat width. He asked if the verbiage could be changed to say, *"Maximum throat width is 35 feet."*

Mr. Roberts stated the verbiage in (e)(1)(c) has always been there. He referred the Committee to (e)(3) on the same page which allows for a manager's determination for other special circumstances that warrant other parking lot entrance requirements.

Mr. Quattrone stated that many times developers submit a standard set of development order plans. If they put a standard 24 foot drive aisle going in at the property line, they have well in excess of 35 feet. Because of this, they always get a denial comment that says they do not meet the requirements in a certain section of the Code, which results in them having to go through the extra step of asking Mr. Roberts for permission.

Mr. Dunn stated staff would make note of this comment. Staff will consult with the Department of Transportation to see if they have any concerns.

Mr. Roberts stated he had seen examples of what Mr. Quattrone is referring to. He felt there might be times that there could be an issue with communication with the lead reviewers. There may be an internal issue that staff has to look into.

Mr. Quattrone stated there are times they have been asked to do deviations to their planned developments. Because of something in the Code, they have to submit for an Administrative Deviation.

Mr. Jacob asked how Mr. Quattrone would like the verbiage to be written.

Mr. Quattrone suggested removing the words *“at the property line”* and replace it with *“Maximum throat width is 35 feet.”* He felt the intent of the Code is to not have a throat width of more than 35 feet. He did not have an issue with the 35 feet but felt the words *“at the property line”* should be removed so that someone is not restricted at the true throat width.

Mr. Morris felt there should at least be an exception in the language. Staff could add to the verbiage to account for flares or the turn radius.

Mr. Quattrone stated the language could be *“Maximum throat width at property is 35 feet excluding flare widths or radiuses and flares.”*

Mr. Morris stated the language comes out of the FDOT manual.

Mr. Roberts stated that the FDOT manual references the architectural code with the throat distance, etc. He felt staff could carry over some of that language.

Mr. Vanasse referred to (4) b. at the top of Page 5 of 22 where it references a *“continuous landscape buffer.”* He asked if the intent is to have a buffer or a landscape island which is the more common term. He noted that when the term *“buffer”* is used, people assume there is a hedge planting or some sort of planting(s) going in.

Mr. Scott concurred that he also preferred the term *“landscape island.”*

Mr. Roberts stated that *“separated by a landscape median area”* is how it has been interpreted but staff will clarify the language.

Mr. Scott referred to item (2) on the same page dealing with *“Low turnover parking lots.”* He noted that he had been working on a few church projects lately and they have stabilized sub grade with grass for overflow parking. He asked if that could be allowed instead of prohibiting it.

Mr. Roberts stated there is another code section that allows churches specifically to use grass parking, but only churches.

Mr. Vanasse questioned whether this item needed to be in the Land Development Code if there are allowances elsewhere. He suggested cross-referencing if that is the case.

Mr. Morris referred to comments by staff regarding updating the references. He asked if some additions were necessary now that staff is taking items from one section and moving them to another section. For instance, would there be some added cross references included?

Mr. Dunn believed staff caught all of them but encouraged the committee members to notify staff if they see any that were missed.

Mr. Morris stated he was thinking of a larger umbrella that says, *“Design standards in this entire section are now located in Chapter 10”* or *“See Chapter 10.”*

Mr. Dunn stated he understands his point and that staff would look into it further. If further clarity is needed, staff can make those adjustments.

Mr. Vanasse referred to an earlier comment by Mr. Scott about parking on the grass. He asked if staff could give allowances for other businesses to park on the grass besides churches such as certain types of events or sports venues. He asked if it could be expanded. Staff agreed to look into possibly expanding that.

**Mr. Scott made a motion to approve Off-Street Parking and Loading requirements with the committee's comments as noted. The motion was seconded by Mr. Krise. The Chair called the motion, and it passed 7-0.**

## **B. Outdoor Lighting Standards**

Mr. Roberts provided an overview of the amendments and was available for questions.

Mr. Vanasse referred to (c)(2) regarding Lamp standards on Page 2 where it says, "*Mercury vapor lamps are prohibited. The installation, sale, offering for sale, lease or purchase of any mercury vapor light fixture or lamp for use as outdoor lighting in the County is specifically prohibited.*" Mr. Vanasse stated that although there might be reasons for this to be in here, he did not understand why it would be in the Land Development Code.

Mr. Roberts stated staff debated this because there is also a State Statute that has similar verbiage. Staff opted not to remove it and to leave it in the Land Development Code.

Mr. Vanasse felt that since there are other laws dealing with it, it is redundant. To him, it did not seem to be a "*standard.*" It was more of a notice to merchants.

Mr. Quattrone referred to the new rules of not looking onsite and asked if developers would still be required to model all their onsite lights in the Lighting Plan, particularly flood lights on a building.

Mr. Roberts stated that with flood lights on the building, staff kept the pointing of the flood lights at the architectural features in the same kind of language similar to that, so they are not pointing off site. As far as the uniformity and the foot candle minimums, etc. that used to be required on site, it is no longer required.

Mr. Quattrone stated that sometimes there are situations where someone designed a project, and during construction, they decide to put some flood lights on the building that the developer did not know about. In the past, we would have to do a minor change and a Lighting Plan, etc.

Mr. Roberts stated the lighting features still need to be shown. Staff needs the cut sheet for them.

Mr. Quattrone asked for confirmation that staff still needs the modeling for them.

Mr. Roberts stated that is correct. Staff kept the modeling for it but did not keep the uniformity standards and the minimums.

Mr. Quattrone stated that if we do not have some of those requirements, is it necessary to do a modeling on them.

Mr. Roberts stated that at a minimum, they will need the property line and the 10 foot offset at the property line.

Mr. Vanasse referred to the second line at the top of Page 3 of 15 under Item d. that says, “...no spot or flood luminaire may be aimed, directed, or focused to cause direct light from the luminaire to be directed toward residential buildings on abutting or nearby property...” he asked if the portion that reads, “or focused to cause direct light from the luminaire to be directed toward residential buildings on abutting or nearby property...” could be removed.

Staff made note of this comment.

Mr. Vanasse referred to g. on the same page that says, “All nonessential exterior commercial lighting must be turned off after business hours.” He asked if this language was previously in the Land Development Code.

Mr. Roberts confirmed that this language already existed in the Land Development Code.

Mr. Vanasse asked if the county has ever enforced this in any way.

Mr. Roberts stated he was not aware of this ever being enforced.

Mr. Vanasse stated asked if the county truly wants all businesses that shut down, even in an urban downtown area, to not have lights. He did not understand why this is in the Land Development Code.

Mr. Krise concurred especially since the county does not seem to enforce it. He asked who decides what is “essential.”

Mr. Quattrone stated he has property within the City of Fort Myers, and he leaves his light pole on all night long.

Mr. Roberts stated there was a lot of language in the lighting section that was similar to this that staff removed.

Mr. Vanasse stated that if staff has no strong reason to keep it, he suggested it be removed.

Mr. Quattrone concurred it should be removed especially if it is a condition the county will never enforce.

Mr. Jacob agreed that he did not know how to define “essential,” and that it would depend on who and for what.

Mr. Quattrone referred to Page 4 of 15 (e)(1) that talks about final inspection. He asked if it could be limited to the property line.

Mr. Roberts stated staff can limit it to just at the property line and have the 10 foot offset at the property line because staff is not looking for the on-site.

**Mr. Vanasse made a motion to recommend approval of Outdoor Lighting Standards with the comments from the committee. The motion was seconded by Mr. Morris. The Chair called the motion, and it passed 7-0.**

### **C. Turn Lane Extension Exemption**

Mr. Roberts provided an overview of the amendments and was available for questions.

Mr. Morris asked for confirmation that the added language is intended solely for the circumstance where you have an existing development.

Mr. Roberts stated this particular code section applies to the expansion of existing development and the calculation of trips based on the expansion versus the complete development and how that impacts the turn lane extension.

Mr. Morris stated he had not had a chance to look at the context of 10-288 but noted it was within a larger section of just existing developments.

Mr. Thibaut asked why this decision is not appealable.

Mr. Roberts stated this section was a result of discussions with the Department of Transportation in their right-of-ways and their ability to make decisions about their right-of-way.

Mr. Quattrone asked if it would go to the Hearing Examiner if someone was allowed to appeal it.

Mr. Roberts stated he believed that is where it would be appealed, if allowed.

Ms. Thibaut stated her only issue with this is that the decision is discretionary with no appeal process. She felt it might become a potential due process issue.

Mr. Vanasse stated that typically the county tries to make its codes outline exactly what they want by listing the standards that must be met. However, in this section, the verbiage starts out saying "*Access to streets will not be permitted unless...*" But then some of the verbiage is nebulous such as "*to protect the health, safety and welfare of the public or to reduce adverse traffic impacts.*" To him, it is not clear what that is.

Mr. Roberts stated it is further defined in the Land Development Code and the Administrative Code with the Turn Lane Policy. This is where someone would be able to get more definition with regard to the requirements.

Ms. Thibaut suggested that they make the decision appealable to the Hearing Examiner so that it will not become an issue for the county to where they could be taken to court.

**Ms. Thibaut made a motion to recommend approval of the Turn Lane Extension Exemption amendments, but only with the change that there is some process for an appeal to the Hearing Examiner or the Board of County Commissioners. The motion was seconded by Mr. Krise. The Chair called the motion, and it passed 7-0.**

### **AGENDA ITEM 5 – ADJOURNMENT/NEXT MEETING DATE**

There was no further discussion.

Ms. Thibaut noted the next meeting is tentatively scheduled for March 13, 2026, and she adjourned the meeting at 8:58 a.m.

**MEMORANDUM**

**FROM  
THE DEPARTMENT OF  
COMMUNITY DEVELOPMENT**

**TO:** Land Development Code      **DATE:** April 24, 2026  
Advisory Committee (LDCAC)

**FROM:** Brandon Dunn  
Planning Manager

**RE: Land Development Code (LDC) Amendments**  
*Architectural Requirements, Administrative Deviations, Industrial Use of Shipping Containers, Administrative Amendments to Existing Mines, Clean-up*

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On April 1, 2025, the BoCC authorized staff to begin work on drafting substantive and non-substantive “clean-up” amendments to the LDC that would increase efficiency, reduce unnecessary regulations, and maintain the protections of public health, safety and welfare while maintaining compliance with State and Federal mandates. Staff is reviewing existing county requirements in the Lee Plan and Land Development Code to identify potential amendments meant to address the BoCC’s direction and will be bringing amendment packages forward over the next several months.

Currently, staff has conducted a review of certain sections within the Lee County Land Development Code (LDC) and identified four sets of amendments to the Land Development Code meant to address the Board’s direction. These include changes to the LDC that would allow the consideration of administrative amendments to approved zoning conditions for existing mines, allow for more use of shipping containers in industrial areas, simplification of architectural standards, along with general updates and cleanup to chapter 10 of the LDC. Staff seeks input and a recommendation on whether the proposed amendments should be adopted by the Board of County Commissioners (BoCC).

The attached amendments to the LDC are consistent with BoCC direction and are summarized as follows:

**A. Administrative Amendments to Existing Aggregate Mines**

Issue: A reliable and predicable supply of construction aggregate is necessary to support public and private construction projects. Currently, except for elimination or modifications of duration limitations, changes to conditions for mines with existing impacts are required to go through the public hearing process. This process can be lengthy and costly to both public and private development projects and may be over burdensome for certain conditions. This also creates unnecessary staff reviews and long timeframes for review by the BoCC.

Solution: In some cases a public hearing may be necessary, however the public hearing process should not be the only option available when changes are requested to conditions of existing mines, approved prior to the MEPD process. As such, staff is proposing to amend Chapter 12 of the LDC to allow for the consideration of administrative amendments to conditions of approval for mines with existing impacts that were not approved as an MEPD.

Outcome: Establishes a process for requesting modifications to existing conditions. Identifies the framework for review, promoting clarity, and improving administrative efficiency.

## **B. Shipping Container Use and Stacking**

Issue: Land Development Code (LDC) Section 34-3105 was amended via Ordinance No. 16-19 to prohibit stacking of trailers, storage containers, and other similar structures County-wide. Although this may be appropriate in most cases, this prohibition places a burden on property owners within both long-established and developing industrial areas in the County where stacking of trailers and containers would allow for more efficient business operations and more efficient use of land.

Solution: Amend LDC Section 34-3105 and related sections to allow stacking of trailers, shipping containers, and other similar structures on industrially zoned properties in future land use categories that prioritize industrial development subject to setback, height, and screening regulations.

Outcome: Provides for appropriate use of land dedicated to industrial uses in a manner that considers visual compatibility and protects residential uses that may be located nearby.

## **C. Architectural Standards**

Issue: The current architectural requirements are overly complex, resulting in confusion among engineers and making proper implementation difficult for staff. This complexity has introduced inconsistencies in development practices, slowed delivery timelines, caused an inordinate burden for redevelopment and increased the likelihood of errors.

Solution: Amend Chapter 10 of the LDC to revise the architectural design requirements to allow consultants more flexibility to apply professional judgment, tailor solutions to project-specific needs, and lessen requirements for redevelopment and small commercial development.

Outcome: Streamlining the architecture will provide consultants with greater flexibility to develop designs that align with best practices, client expectations, and evolving industry standards while providing better opportunities for redevelopment.

## **D. General Update and Correction**

Issue: Outdoor lighting standards limit illumination levels at property lines and do not provide exceptions for parcels under unified control or for lighting needs at access points and off-site sidewalks. The calculated area for onsite garbage and recycling does not meet the requirements established in the Ordinance.

Solution: Expand administrative deviation provisions to allow greater flexibility in meeting lighting standards under specific site conditions. Update the calculation table in LDC 10-261(a) to align fully with the requirements established in the Ordinance.

Outcome: Streamline the development process by allowing administrative deviations for specific lighting requirements and ensuring that code provisions are fully aligned with the Ordinance language.

## Attachments

Draft LDC Amendments

## AMENDMENT SUMMARY

**Issue:** A reliable and predicable supply of construction aggregate is necessary to support public and private construction projects. Currently, except for elimination or modifications of duration limitations, changes to conditions in mines with existing impacts are required to go through the public hearing process. This process can be lengthy and costly for both public and private development projects and may be over burdensome for certain conditions. This also creates unnecessary staff reviews and long timeframes review and approval by the BoCC.

**Solution:** In some cases a public hearing may be necessary, however the public hearing process should not be the only option available when changes are requested to conditions of existing mines, not approved using the MEPD process. As such, staff is proposing to amend Chapter 12 of the LDC to allow for the consideration of administrative amendments to conditions of approval for mines with existing impacts that were not approved as an MEPD.

**Outcome:** Establishes a process for requesting modifications to existing conditions. Identifies the framework for review, promoting clarity, and improving administrative efficiency.

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### Sec. 12-105. - Definitions.

*Staff note: Updates the definition of "substantial change" in relation to aggregate mines to maintain consistency with proposed amendments to Sec. 12-121.*

*"Asphalt batch plant" through "Rock crushing and screening plant" remain unchanged.*

*Substantial change* means a significant alteration to a mine excavation planned development approval that will require consideration and approval through the public hearing process. Requests related to expansion/contraction of the project boundary, expansion of the mine excavation (mine footprint) area, increase in the depth of the mine, reduction of conservation, preserve or wildlife habitat areas, decrease in the reclamation standards, ~~extension of the mine duration, addition/expansion of uses permitted on the site, elimination or amendment of a zoning condition,~~ requests for dewatering, or a variance from the provisions of this article will be deemed a substantial change.

*No proposed amendments to LDC Sections 12-106 to 12-120.*

### Sec. 12-121. Existing mine operations.

*No proposed amendments between LDC Section 12-121, subsection (a) and subsection (i).*

*Staff note: The duration of aggregate mines is typically addressed through conditions within the approved zoning resolution. Striking language that addresses the process to revise mine duration from Section 12-121(j) through a public hearing will remove internal inconsistencies with the amendments proposed to subsection (k).*

(j) Limited amendments to existing mine zoning approvals. An existing mine, meeting the criteria set forth in Subsection (a) of this section, may obtain a limited amendment to the underlying zoning approval for dewatering, ~~an extension of the mine duration,~~ and/or a depth increase within the previously approved mining footprint, as follows:

- (1) The mine operator must file an application on the form prescribed by the County along with the appropriate fee. Review of the application will be limited to the contents of the application which must include:
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- a. For dewatering: those items set forth in Subsection (g) of this section and submittals addressing the issues set forth in Section 12-117(c).
- b. ~~For an extension of mine duration: those items set forth in Subsection (g) of this section; and~~
  - ~~1. A narrative substantiating the need for the extension and its proposed duration.~~
  - ~~2. Submittal substantiating compliance with the following additional criteria:~~
    - ~~i. Continued consistency with the Lee Plan.~~
    - ~~ii. Compatibility with existing and approved development in the surrounding area.~~
    - ~~iii. Whether the extension will place an unreasonable burden on essential public facilities and infrastructure.~~
  - ~~3. Documents establishing that the extension request was filed at least six months prior, but not more than one year before, the expiration date set forth in the underlying zoning approval; and that the mine was in active physical operation at the time of the request.~~
- eb. For a depth increase within the approved mine footprint only:
  - 1. An updated Traffic Impact Statement that addresses traffic associated with the increased production of mining that is projected to result from the proposed depth increase. The updated Traffic Impact Statement will include an updated level of service analysis and evaluation of site-related improvements, if any, necessitated by the increased production.
  - 2. Integrated surface water and groundwater modeling must be, provided that analyzes the impacts of the additional depth of the mine on groundwater and surface water resources and natural systems. The analysis must also include the following:
    - i. Delineation of all lithologies underlying the site down to and including the first regional confining beds;
    - ii. Documentation establishing that the proposed depth of excavation will not breach an aquaclude or confining layer;
    - iii. Evaluation of historic water level data for the mine including identification of any trends or impacts from mining operations; and
    - iv. Description of the monitoring system for surface water and groundwater levels and quality to assess any degradation of surface water and groundwater resources resulting from the depth increase. The monitoring system must address the travel times to wellfields and residential wells. The application for a depth increase must include all available monitoring data for three years prior to the date of application, and will assess the change in flow, timing of travel, and direction of surface water and groundwater on-site and in the impacted area resulting from the increased depth.
  - 3. Soil boring analysis that demonstrates the depth of limerock materials and the depth of the confining layer.
  - 4. A list of surrounding property owners and map in accordance with Section 34-202(a)(8) and (9).
  - 5. A narrative describing any impacts the proposed depth increase will have on:
    - i. Mine operations and equipment used at the mine, to include updated quantity of material to be excavated, changes in approved hours of operation (if any), and an updated hazardous materials emergency plan;
    - ii. Existing neighboring uses;

- iii. Hydrogeologic conditions on-site and within the impact area, as reflected in the modeling required by Subsection (j)(1)c.2 of this section;
  - iv. Wetlands and watershed protection;
  - v. Wildlife conservation; and
  - vi. Transportation routes including anticipated traffic to and from the mine, based upon the updated Traffic Impact Statement required by Subsection (j)(1)c.1 of this section.
6. A complete copy of existing permits, pending permit applications, and correspondence with federal and State permitting agencies in accordance with Section 12-114.
- (2) The request for a limited amendment under this section may only be filed if the underlying zoning is valid at the time the request is filed.
- (3) The request for a limited amendment must be processed in accordance with the procedure set forth in Sections 34-83 and 34-145, including the review criteria, regarding Hearing Examiner and Board review and action on the request.
- (4) Amendments to bring the existing mine into greater compliance with current mining regulations, including this article, may be requested by the applicant in conjunction with one or more of the amendments authorized above.
- (5) A mine development order amendment must be approved prior to commencing activities authorized by the zoning amendment. Review of the mine development order amendment will be limited to incorporating the specific changes approved by the zoning amendment.

*Staff note: The amendments below allow for administrative review and approval to eliminate or modify conditions of existing mines, not permitted through the MEPD process. If staff determines that the modification cannot be processed administratively, an applicant is able to pursue the requested change through the public hearing process as described by Section 34-174 of the LDC.*

- (k) ~~Elimination or modification of duration limitations conditions on certain existing mines. Due to their existing permitting and location in the established Alico Road mining corridor, existing mines that have a valid development order and are located in the established Alico Road mining corridor may request the~~ The elimination or modification of duration limitations conditions contained in applicable zoning resolutions and subsequent mining approvals may be requested for existing mines with a valid development order and not permitted through the MEPD rezoning process, provided the right to pursue mining activity has not expired under the terms and conditions of previous zoning approvals and the modification does not include amendments required to be considered under 12-121(j) . A request must include a reasonable estimate of the life of the mine. The Director is authorized to approve the modification or elimination of such ~~duration limitations conditions~~ as an administrative amendment pursuant to Sections 34-174 and 34-380, so long as the mining operation is deemed to be consistent with the Lee Plan. If the request is not approved administratively, the applicant must file an application for public hearing.

## AMENDMENT SUMMARY

**Issue:** Land Development Code (LDC) Section 34-3105 was amended via Ordinance No. 16-19 to prohibit stacking of trailers, storage containers, and other similar structures County-wide. Although this may be appropriate in most cases, this prohibition places a burden on property owners within both long-established and developing industrial areas in the County where stacking of trailers and containers would allow for more efficient business operations and more efficient use of land.

**Solution:** Amend LDC Section 34-3105 and related sections to allow stacking of trailers, shipping containers, and other similar structures on industrially zoned properties in future land use categories that prioritize industrial development subject to setback, height, and screening regulations.

**Outcome:** Provides for appropriate use of land dedicated to industrial uses in a manner that considers visual compatibility and protects residential uses that may be located nearby.

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### **Sec. 34-3105. Use of vehicles, truck trailers, or shipping containers for storage.**

*Staff note: Reorganize section for ease of administration. Revise section to allow stacking of trailers and shipping containers on industrially zoned properties in certain land use categories subject to stacking height and setback regulations.*

~~Except for a bona fide agricultural use located in an AG Zoning District, or where open storage is a permitted use in a Commercial, Industrial or Mixed Use Zoning District, vehicles, truck trailers, shipping containers, and other similar structures may not be stored or used to store goods, produce or other commodities in any zoning district unless approved on a temporary basis in accordance with Sections 34-3044 and 34-3050.~~

~~Where allowed as open storage per this section, vehicles, truck trailers, shipping containers and other similar structures may not be stacked on top of one another and must be in compliance with Chapter 34, Division 36, including Section 34-3005.~~

~~(a) *Where permitted.* Vehicles, truck trailers, shipping containers, and other similar structures may not be stored or used to store goods, produce, or other commodities in any zoning district unless:~~

~~(1) Occurring in conjunction with a bona fide agricultural use located in an AG zoning district;~~

~~(2) Open storage is listed as a permitted use in the zoning district; or~~

~~(3) The use is approved on a temporary basis in accordance with Sections 34-3044 and 34-3050.~~

~~(b) *Screening required.* Where allowed as open storage by this section, open storage areas must be in compliance with Division 36 of this Article.~~

~~(c) *Stacking.* Truck trailers, shipping containers, and other similar structures may not be stacked on top of one another unless in compliance with subsection (a)(2) and the following additional requirements:~~

~~(1) *Location.* The property must be located in the Industrial Development, Tradeport, or Industrial Interchange future land use category and must be zoned Light Industrial (IL), General Industrial (IG), or Industrial Planned Development (IPD);~~

(2) Maximum stacking height. A maximum of three truck trailers, shipping containers, or other structures may be stacked on top of one another.

(3) Required setbacks. Areas utilized for stacking must comply with the principal structure setbacks of the applicable zoning district and the setbacks established in Section 34-2443.

### **Sec. 34-2443. Minimum required setbacks.**

Staff note: Revise section to establish a 100-foot setback from residentially zoned property under separate ownership for stacking of storage containers and other similar structures permitted by Section 34-3105. The 100-foot setback from residentially zoned property under separate ownership is established in LDC Section 34-2443 and applies to similarly impactful uses including freight and cargo handling establishments and impound yards.

*Subsections (a) through (c) remain unchanged.*

(d) The following uses must be set back a minimum of 100 feet from any residentially zoned property under separate ownership. The setback applies to all buildings and structures, and all areas used for parking of trucks or equipment, shipping, receiving, or storage.

- (1) Blacksmith shop.
- (2) Freight and cargo handling establishments (Section 34-622(c)(17)).
- (3) Impound yard.
- (4) Manufacturing of:
  - a. Boats.
  - b. Chemicals and allied products, Group II (Section 34-622(c)(6))—Limited to cosmetics, perfumes, etc.
  - c. Fabricated metal products, Group II (Section 34-622(c)(14)).
  - d. Food and kindred products, Group II (Section 34-622(c)(15)).
  - e. Furniture and fixtures (Section 34-622(c)(18)).
  - f. Leather products, Group II (Section 34-622(c)(25)).
  - g. Lumber and wood products, Group IV (Section 34-622(c)(26)).
  - h. Machinery, Groups I and II (Section 34-622(c)(27)).
  - i. Paper and allied products, Groups II and III (Section 34-622(c)(31)).
  - j. Stone, clay, glass and concrete products, Groups I and III (Section 34-622(c)(48)).
  - k. Textile mill products, Groups I and II (Section 34-622(c)(50)).
  - l. Transportation equipment, Group II (Section 34-622(c)(52)).
- (5) Motion picture studio.
- (6) Photofinishing laboratory~~(df)~~.
- (7) Rental or leasing establishment, Group IV (Section 34-622(c)(39)).
- (8) Repair shops, Group V (Section 34-622(c)(40)).
- (9) Social services, Group II (Section 34-622(c)(46)).
- (10) Stacking of shipping containers, truck trailers, and other similar structures (Section 34-3105).

*Remainder of Section unchanged.*

### **Sec. 34-3050. Temporary storage facilities.**

Staff note: Revise section to update cross-reference. Section 34-210 was repealed by Ordinance 19-03 and temporary use permit requirements were relocated to Section 34-3041.

The following regulations do not apply in commercial, industrial or mixed-use zoning districts where open storage is a permitted use, on property with a bona fide agricultural use located in an AG Zoning District, or to contractor's office and equipment storage sheds (see Section 34-3044).

*Subsection (a) remains unchanged.*

- (b) The use of vehicles, truck trailers, or shipping containers for storage of merchandise, produce, or commodities for periods of 48 hours or more may be permitted as a temporary use in a nonresidential district upon application and issuance of a temporary use permit (see Section ~~34-210~~34-3041) so long as:
  - (1) The vehicles, truck trailers, or shipping containers used for storage comply with all setback requirements for accessory structures.
  - (2) No more than two vehicles, truck trailers, or shipping containers are permitted at one time, and they cannot be stacked on top of one another.
  - (3) The maximum length of time for use of a vehicle, truck trailer or shipping container for storage of merchandise, produce, or commodities is 60 days. One extension, not to exceed 60 days, may be approved at the Director's discretion.

## AMENDMENT SUMMARY

**Issue:** The current architectural requirements are overly complex, resulting in confusion among engineers and making proper implementation difficult for staff. This complexity has introduced inconsistencies in development practices, slowed delivery timelines, caused an inordinate burden for redevelopment and increased the likelihood of errors.

**Solution:** Amend Chapter 10 of the LDC to revise the architectural design requirements to allow consultants more flexibility to apply professional judgment, tailor solutions to project-specific needs, and lessen requirements for redevelopment and small commercial development.

**Outcome:** Streamlining the architecture will provide consultants with greater flexibility to develop designs that align with best practices, client expectations, and evolving industry standards while providing better opportunities for redevelopment.

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### **ARTICLE IV. DESIGN STANDARDS AND GUIDELINES FOR COMMERCIAL BUILDINGS AND DEVELOPMENTS**

#### **Sec. 10-600. Purpose and intent.**

*Staff note: Limit language to reduce confusion and simplify regulations.*

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 buildings 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 the County, while still providing for design flexibility. These standards are intended to enhance the quality of life in the County.

(LDC 1994, § 10-600; Ord. No. 98-28, § 2, 12-8-1998)

#### **Sec. 10-601. Definitions.**

*Staff note: Added definition for design treatments and minor commercial.*

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 a minimum of eight feet clear in width.

*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.

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Design treatments are building features meant to visually enhance the structure. Examples include, but are not limited to: Awnings or Canopies; Overhangs; Porticos; Arcades; Peaked roof forms; Display windows along a minimum of 50 percent of front walls and any other wall alongside a pedestrian walkway; Clock or bell towers; Vertical fins; Tile roofs; Arched windows and doorways; Sunshades and breezeways; or Any other treatment which the Development Services Manager finds meets the intent of this section.

*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.

Minor commercial means any commercial development that provide for the sale of convenience goods and services and contain less than 30,000 square feet of gross floor area.

*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.

(LDC 1994, § 10-601; Ord. No. 98-28, § 2, 12-8-1998)

## **Sec. 10-602. Applicability; renovations and redevelopment; discontinuance.**

*Staff note: Relocate language addressing parking garage requirements and allow designee decision making authority.*

- (a) *Applicability.* Provisions of this article are applicable to all new development 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 (df) are specifically excluded.

~~Where a proposed parking garage is located on a parcel adjacent to or abutting an existing taller residential use, all exposed parking spaces on the top level of the garage must provide additional design treatments, at the Director's discretion, to obscure view of the spaces from residential use. Design treatments may include, but are not limited to, a combination of landscaped trellises, opaque covers and permanent landscaping. In addition, surfaces of exposed parking aisles and drives must be comprised of specialty pavers or colored stamped concrete having nonreflective matte surface.~~

- (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. Where there are inherent problems retrofitting existing buildings, the Director or designee 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. Where there

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are inherent problems retrofitting existing buildings, the Director may waive some or all requirements if other 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.

(LDC 1994, § 10-602; Ord. No. 98-28, § 2, 12-8-1998; Ord. No. 01-18, § 2, 11-13-2001; Ord. No. 05-14, § 3, 8-23-2005; Ord. No. 10-25, § 2, 6-8-2010; Ord. No. 13-10, § 3, 5-28-2013; Ord. No. 17-11, § 1, 9-5-2017)

### **~~Sec. 10-603. Illustrations.~~**

*Staff note: All illustrations are deleted as part of this change.*

~~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.~~

~~(LDC 1994, § 10-603; Ord. No. 98-28, § 2, 12-8-1998)~~

### **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.

(LDC 1994, § 10-604; Ord. No. 98-28, § 2, 12-8-1998)

### **Secs. 10-605—10-609. Reserved.**

### **Sec. 10-610. Site design standards and guidelines for commercial developments.**

*Staff note: Removed duplications from this section found in other locations of the code. Relocation parking garage requirements.*

- (a) *Purpose and intent.* The purpose and intent of these provisions is to supplement and enhance existing regulations and to require the design of developments that will provide safe, convenient, and efficient access for vehicles and pedestrians into and within the development. ~~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 subsection, subject to the criteria set forth in Section 10-104.~~
- (b) *Lighting standards.* ~~All outdoor lighting must comply with Section 34-625.~~
- (eb) *Buffering and shielding (df).*

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~~(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.~~

(21) 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.

~~(32)~~ Roof top mechanical equipment must be shielded from view at ground level by parapet or similar architectural features.

(43) 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.

(4) Where a proposed parking garage is located on a parcel adjacent to or abutting an existing taller residential use, all exposed parking spaces on the top level of the garage must provide additional design treatments, at the Manager's or designee's discretion, to obscure view of the spaces from residential use. Design treatments may include, but are not limited to, a combination of landscaped trellises, opaque covers and permanent landscaping. In addition, surfaces of exposed parking aisles and drives must be comprised of specialty pavers or colored stamped concrete having nonreflective matte surface.

~~(e)~~ *Pedestrian walkways and bicycle parking.*

(1) Pedestrian access standards.

a. Pedestrian ways, linkages or paths internal to the project must provide access between parking areas, building entries, surrounding streets, and external sidewalks, ~~transit stops, other uses, and out parcels.~~ The pedestrian facilities must provide safe access through the project from external sidewalk facilities or bus stops to the building entry.

~~b. If external sidewalk facilities are not in existence at the time of development, then the project must construct the internal pedestrian facilities up to the property line, and external sidewalks consistent with Section 10-256. Use of the internal pedestrian facilities as open space is subject to the limitations set forth in Section 10-415(d)(2)d.~~

~~c. Pedestrian and/or bicycle connections to adjacent development must be provided.~~

(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.~~

(3) Bicycle parking requirements.

a. Number of spaces. Safe and secure bicycle parking spaces must be provided as follows: spaces totaling five percent of required motor vehicle spaces in accordance with Section 34-2020 up to 1,000 vehicle spaces. For each 500 spaces above 1,000 vehicle spaces, four additional bicycle parking spaces are required. A minimum of two bicycle parking spaces must be provided.

b. Design.

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1. Bicycle parking areas must include a bicycle rack with appropriate access to accommodate adequate space for the required number of bicycles, measuring a minimum of 36 inches high and mounted securely to the ground.
  2. Bicycle parking spaces must be surfaced with stabilized, all-weather materials and located no greater than 100 feet from a building entrance.
  3. Extraordinary bicycle parking designs and surfaces that depart from the bike rack standard but are consistent with the development's design theme may be considered at time of development order in accordance with Section 10-104(b).

~~(e) *Parking lot interconnections.* Adjacent commercial uses must provide parking lot interconnections for automobile, bicycle and pedestrian traffic.~~

(f) *Project entrance.*

- (1) The entrance to a commercial development generating more than 300 trip ends total, or at an entrance with more than 100 entering vehicles during the peak hour of the generator, must include two entrance lanes.
- (2) The driveway length must provide adequate throat depth consistent with the FDOT ~~Driveway Information Guide~~ Design Manual, Chapter 214 (current edition).
- (3) Projects must include sidewalk access independent of vehicular entrance.

(LDC 1994, § 10-610; Ord. No. 98-28, § 2, 12-8-1998; Ord. No. 00-14, § 3, 6-27-2000; Ord. No. 03-16, § 3, 6-24-2003; Ord. No. 07-24, § 3, 8-14-2007; Ord. No. 09-23, § 4, 6-23-2009; Ord. No. 12-20, § 1, 9-11-2012; Ord. No. 14-13, § 1, 6-17-2014; Ord. No. 17-11, § 1, 9-5-2017; Ord. No. 19-03, § 4, 4-2-2019; Ord. No. 24-14, § 3, 10-1-2024)

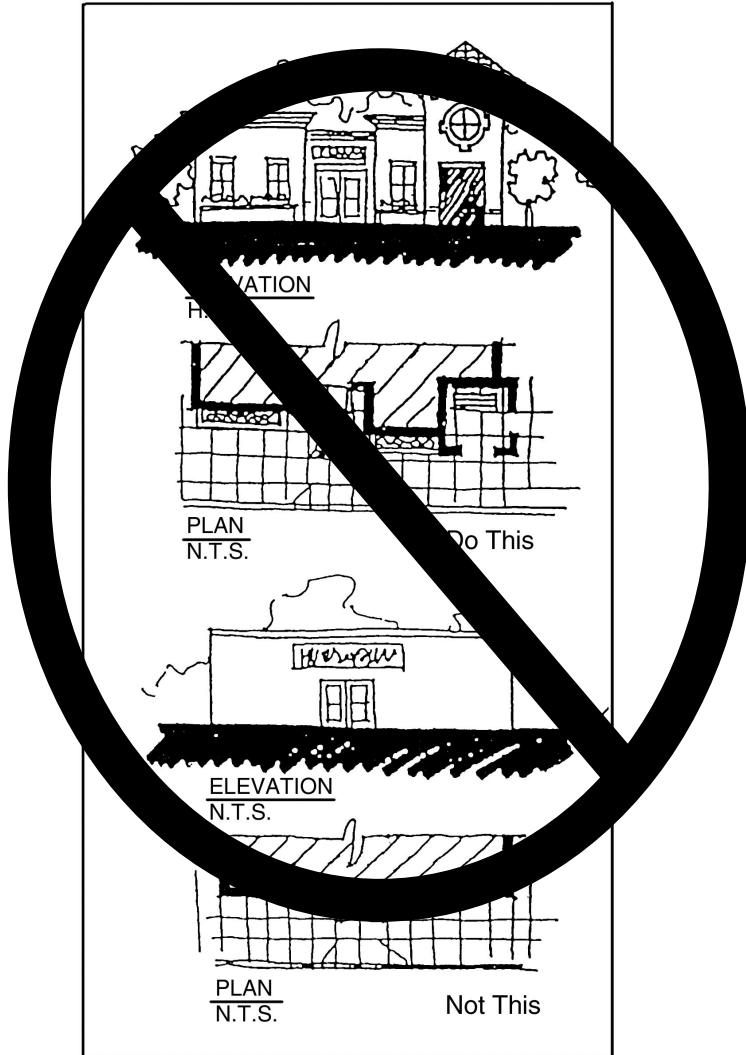
**Secs. 10-611—10-619. Reserved.**

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

*Staff note: Eliminated specific illustrations and examples to prevent restrictions on improvements and to allow design consultants increased flexibility in developing project-appropriate solutions. Allow lesser requirements for minor commercial development and redevelopment of existing commercial properties.*

- (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.)



**Illustration 4**

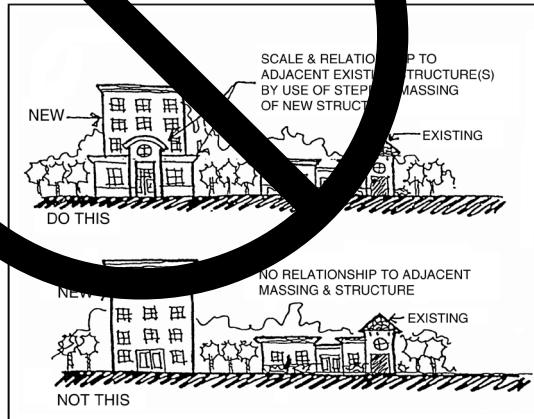
- ~~(b) *Building/view orientation standards.* Buildings must be oriented to maximize pedestrian access, use and view of any adjacent navigable water bodies.~~

(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.)

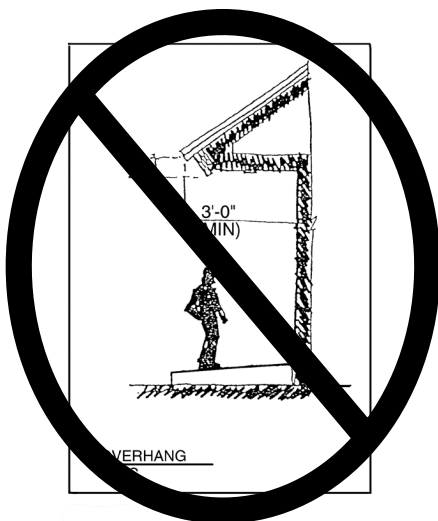
Illustration 5

- (2) *Architectural design.*



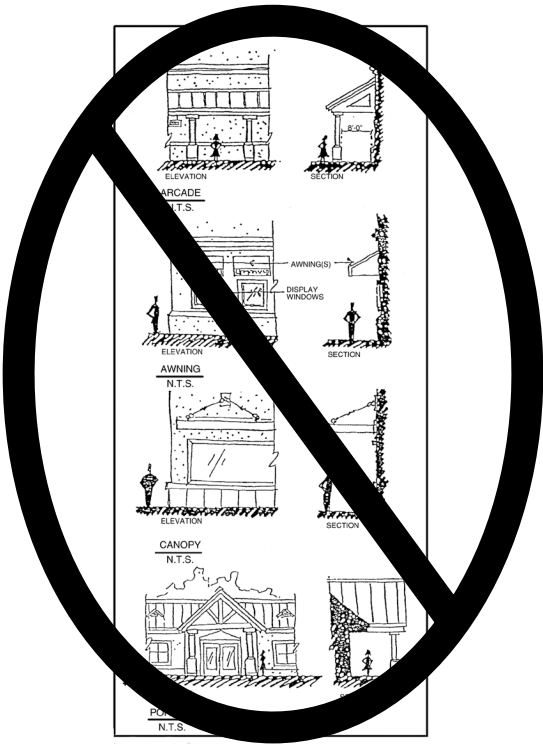
- a. All primary facades of a building must be designed with consistent architectural style, detail and trim features.

- 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. Minor commercial, renovations and redevelopment must provide a minimum of two design treatments. These treatments must be demonstrated and called out on the architectural elevation drawings. Examples include but are not limited to:



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**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. — Vertical fins;
9. — Large windows;
10. — Tile roofs;
11. — Arched windows and doorways;
12. — Sunshades and breezeways
13. — Any other treatment which the Development Services Director finds meets the intent of this section. deems acceptable.

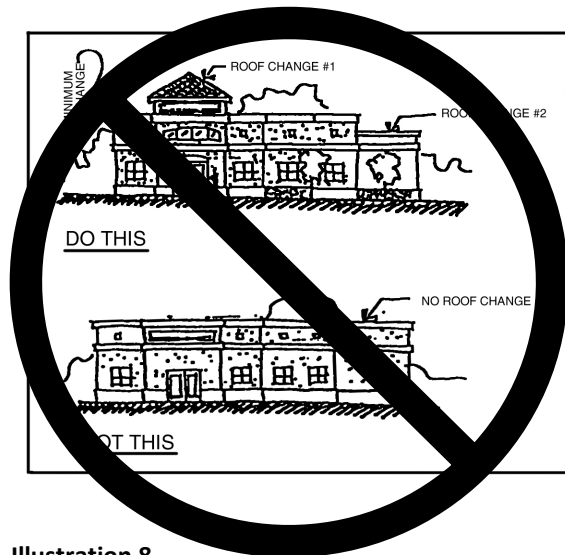
c. On large projects one of the following site design elements:

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; or
2. Fountains, reflection ponds or other water elements, a minimum of 150 square feet in area for every 300 linear feet of primary facade length; or
3. Surface and stormwater management facilities designed as physical or visual amenities that provide open space or an aesthetic feature; or
4. 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.

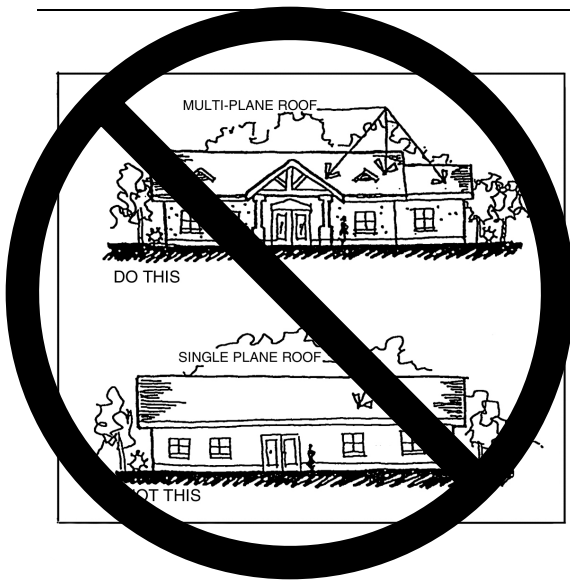
(d) *Roof treatments.*

- (1) *Purpose and intent.* Variations in rooflines 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~~ elevation, in two locations. At least one such change must be located on a primary facade. (See Illustration 8 below.) Minor commercial, renovations and redevelopment must provide at least one vertical change on the primary façade(s).



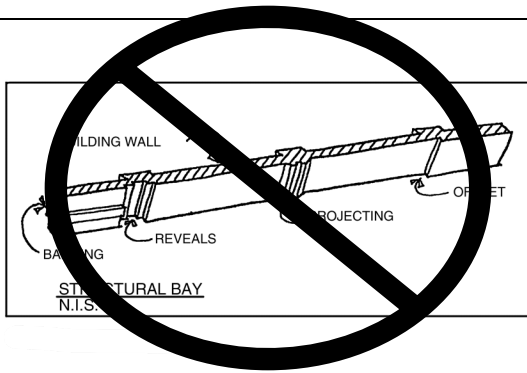
**Illustration 8**

- (3) *Further requirements.* Roofs must be designed to ~~also~~ meet at least two of the following requirements, except that minor commercial must provide one of the following requirements:
  - a. Three or more roof slope planes per primary facade (see Illustration 9 below);



**Illustration 9**

- b. 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;
  - c. Additional vertical roof changes with a minimum change in elevation of two feet (flat roofs must have a minimum of two changes); or
  - d. 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 roof types are prohibited:
- a. Roofs utilizing less than or equal to a 2V:12H pitch unless utilizing full parapet coverage or mansard; and
  - b. Mansard roofs except roofs with a minimum vertical distance of eight feet and an angle between 45 and 70 degrees from horizontal.
- (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 include ~~avoid large blank wall areas by including~~ at least three ~~of the design elements listed below,~~ in a repeating pattern, ~~with~~ at least one of the design elements must repeating horizontally. Minor commercial, renovations and redevelopment must provide at least two design elements with at least one repeating horizontally. Examples include but are not limited to:
- 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.
  - f. Any alternative treatment or combination of the above elements that the Development Services Director finds meets the intent of this section.
- (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 cannot be used on more than 50 percent 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.~~

(LDC 1994, § 10-620; Ord. No. 98-28, § 2, 12-8-1998; Ord. No. 99-05, § 4, 6-29-1999; Ord. No. 13-10, § 3, 5-28-2013; Ord. No. 17-11, § 1, 9-5-2017)

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**Secs. 10-621—10-629. Reserved.**

**~~Sec. 10-630. Signs.~~**

*Staff note: Removed sign plan requirements.*

- (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-premises 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 types and locations; and~~
  - ~~g. In the case of a shopping center or multiple-occupancy complex and developments with multiple structures on-site, including out-parcels, 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 ten percent of the landscape area.~~
- (2) ~~*Building permit requests.* Requests for building permits for permanent on-premises 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.~~

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(LDC 1994, § 10-630; Ord. No. 98-28, § 2, 12-8-1998)

**Secs. 10-631—10-639. Reserved.**

**Sec. 10-640. Out parcels.**

*Staff note: Removed duplications from this section found in other locations of the code.*

- (a) *Purpose and intent.* The purpose and intent of these provisions is to ensure unified architectural design and site planning between out-parcel buildings and the main buildings 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.~~

(LDC 1994, § 10-640; Ord. No. 98-28, § 2, 12-8-1998)

**Secs. 10-641—10-649. Reserved.**

**Sec. 10-650. Exceptions and interpretations.**

*Staff note: Resolves conflict with LDC 10-104 which provides administrative deviations for certain requirements and provide a greater opportunity for innovative design improvements.*

- ~~(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.~~

(LDC 1994, § 10-650; Ord. No. 98-28, § 2, 12-8-1998)

**Secs. 10-651—10-700. Reserved.**

## AMENDMENT SUMMARY

**Issue:** Outdoor lighting standards limit illumination levels at property lines and do not provide exceptions for parcels under unified control or for lighting needs at access points and off-site sidewalks. The calculated area for onsite garbage and recycling does not meet the requirements established in the Ordinance.

**Solution:** Expand administrative deviation provisions to allow greater flexibility in meeting lighting standards under specific site conditions. Update the calculation table in LDC 10-261(a) to align fully with the requirements established in the Ordinance.

**Outcome:** Streamline the development process by allowing administrative deviations for specific lighting requirements and ensuring that code provisions are fully aligned with the Ordinance language.

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### Sec. 10-104. Deviation and variances.

*Staff note: New deviation sections added to allow for a simpler administrative process for certain qualifying situations.*

- (a) *Provisions where deviations are authorized.* The Director is hereby authorized to grant deviations from the technical standards in the following sections of this chapter:
- (1) Section 10-261 (refuse and solid waste disposal facilities);
  - (2) Section 10-262(c)(1), (standards and criteria); limited to illumination levels at the site access and offsite sidewalks adjacent to the site; and adjacent properties with owner consent.
  - ~~(23)~~ Section 10-283 (access streets);
  - ~~(34)~~ Section 10-285 (intersection separations);
  - (45) Section 10-291(3) (additional means of ingress/egress);
  - ~~(56)~~ Section 10-296(b), Table 2 (right-of-way width specifications for streets);
  - ~~(67)~~ Section 10-296(e) (wearing surface, base, subgrade, cross section widths);
  - ~~(78)~~ Section 10-296(d)(4) (drainage);
  - ~~(89)~~ Section 10-296(d)(11), Table 3 (pavement design);
  - (910) Section 10-296(j) (intersection designs);
  - ~~(101)~~ Section 10-296(k) (cul-de-sacs);
  - ~~(112)~~ Section 10-322 (swale sections);
  - ~~(123)~~ Section 10-329(d)(1)a. (setbacks for water retention/detention excavations);
  - ~~(134)~~ Section 10-329(d)(4) (excavation bank slopes and percent hardening), except that development in the Airport Wildlife Hazard Protection Zone is subject to compliance with Section 10-418(5);
  - ~~(145)~~ Section 10-352 (public water);
-

- (~~156~~) Section 10-353 (public sewer);
- (~~167~~) Section 10-384(c) (water mains);
- (~~178~~) Section 10-415(b) (indigenous native vegetation);
- (~~189~~) Section 10-418(3) (percent hardening and compensatory littorals);
- (~~1920~~) Section 10-441 (mass transit facilities);
- (~~201~~) Section 10-416(c) (landscaping of parking and vehicle use areas);
- (~~212~~) Section 10-610 (site design standards and guidelines for commercial developments);
- (~~223~~) Section 10-620(d)(4)a. (requiring full parapet coverage for roofs utilizing less than or equal to 2V:12H pitch);
- (~~234~~) Section 10-716 (piping materials in right-of-way);
- (~~245~~) Sections 10-329(f) and 10-418(4) (restoration of existing bank slopes and littoral designs).

No changes proposed to 10-104(b) through 10-104(j)

**Sec. 10-261. Refuse and solid waste disposal facilities.**

*Staff note: Correct the calculation for garbage and recycling collections areas are to align with Ordinance requirements.*

- (a) *Provision of container spaces.* All new construction of multifamily residential developments, commercial businesses, and industrial uses must provide sufficient on-site space for the placement of garbage containers or receptacles, and sufficient space for recyclable materials collection containers. At a minimum, the following area requirements must be provided:

Commercial/Industrial Business Building sq. ft.	Special Notes or Regulations	Multifamily Development Units	Minimum sq. ft. for Garbage Collection	Minimum sq. ft. for Recyclable Collection
	Note (1)	5—25	120	96
		25+	120 sq. ft. for first 25 units, plus <del>86.7</del> sq. ft. for each additional dwelling unit	96 sq. ft. for first 25 units, plus <del>81.3</del> sq. ft. for each additional dwelling unit
0—5,000			60	24
5,001—10,000			80	48
10,001—25,000			120	96
25,000+			120 sq. ft. for first 25,000 sq. ft., plus <del>86.7</del> sq. ft. for each additional 1,000 sq. ft.	96 sq. ft. for first 25,000 sq. ft., plus <del>81.3</del> sq. ft. for each additional 1,000 sq. ft.

Notes:

- 1) Mini warehouse\* developments must calculate the minimum enclosure size in relation to the square footage of the office and caretaker's residence. \*See Warehouse, public, Storage, dead, and Warehouse, hybrid.

*No changes proposed to 10-261(b) through 10-261(e)*